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Vestigia Nu Retrorsum.

Vol. I.] OCTOB 1921. [No. 4

THE TWENTY-SECOND EH OF SUB INSPECTORS P. T. SCHO VELLORE.

(By tditor.)

The final examination of these nspectors and the usual sports came off in the third week of October 1921. st of these Sub Inspectors, if not all, were at the time they were selected ent to the P. T. School for training, fresh from colleges and schools and as how difficult and trying the period they spent in the P. T. School shou ve been to them as well as to the Principal of the School may ea e imagined. This is not all. The Sub Inspector cadets have o acquire sufficient knowledge of law and practical police work in the rooms, not to speak of drill, horse-riding, discipline &c., before tre thought fit for successfully discharging the very arduous and duties of an officer in charge of a Police Station, especially at this mosl and agitated stage of the country. Here we would point out that the of the P. T. School is not simply to prepare the cadets for passing the exan in law and orders. The examination is a necessary evil and is not thaim and object of the school. The old Latin proverb *Mens Sana in corpo* (a sound mind in a healthy body) is not lost sight of and therefore i physical and intelletucal training that the cadets receive here.

We hope to be excused for the ndulgence we have taken in narrating these hard facts. Our only apology for his is that our readers may better realize how important and absolutely indispeɪable it is that the Sub-Inspector cadets should on entering the P. T. School fir unlearn several things they had learnt in their previous schools and colleges, thout which it is impossible for them to go through the course successfully here. The test therefore now adopted after giving them a year's training to find o their individual fitness is very easily discernible in how the cadets fared indidually in the several items of work prescribed in the programme for the fin week of their stay at the school, the last and the most eventful day of whichvas the 22nd of October 1921, which day this year is for very patent reason red-letter day in the annals of the Vellore P. T. S.

This School was started in Janu 1897, in the beginning as a training school for Sub Inspectors and Officers y, with Mr. F. Armitage as the first Principal, in the regime of Sir Murray mmick, C. S. I., C. I. E., I. C. S., the first Civillian Inspector General of Poliwho next to Sir William Robinson, the organizer and founder of the Madras lce, in the early sixties, became the Governor of Madras. Mr. F. Armitage he first Principal of the P. T. School to become the Inspector General of Pe, the highest position to which an Officer of the Indian Police can aspire t is a very happy realization of the very high hopes the Subordinate Polic d the public had entertained of him, that God sparing, Mr. Armitage would day hold the reins of the Madras Police with great credit to himself and ose responsible for his appointment as such. There are many in service anew retired who are all proud of the, fact that they belonged to the first batchadets who underwent training under Mr. Armitage. With the Inspectors, and constables qualified for Inspectors' appointment, Messrs. George, Hamilto Mc-Carrison, officers of the Indian Police also underwent training then. Mmitage, insisted upon an equality of treatment to all the men under trainiIr. Armitage used to take up the classes in certain subjects and the clearlucid manner in which he handled the subjects are still fresh in our memc

Mr. Armitage was ever watchfu vigilant in studying the changing conditions of things even in the very ing of his career, unlike, for what we know of some, who remorselessly ape remedies of the day-before-yesterday to the troubles of to-day.

Let us not be misconstrued asging in flattery, for, speaking the blunt truth is no flattery, but what weto bring to prominence is that the experience gained by a Principal of the School not only about the needs and wants of the cadets but also of eatment suited to them and of the best systems and methods of teachintraining is unique and the best of superintendents and Deputy Inspectorral of police cannot claim it. We are sure that every one who has been cipal will frankly admit that his close touch with the cadets has enlargeision, modified some of his views and changed his point of view so far educational aspect of the police

These will stimulate the men to distinguish themselves also if occasions present themselves. The following extracts from the Ceylon Police Administration Report about acts of bravery and prompt action displayed in arresting armed criminals and saving life may interest our readers and these may be narrated to the constabulary at the Stations and the Guards. The actual strength of the Ceylon Police in Native Sergeants and Native Constables whom the above instances cover is 2635 and Rs. 33, 615 was paid to men of the Force as rewards for good work and special acts of bravery were rewarded by special promotion. The following paras are extracted from the Report :—

" In the course of the year Rs. 33, 615 was paid to men of the Force as rewards for good work, and special acts of bravery were rewarded by special promotion.

" Of acts of bravery and prompt action displayed in arresting armed criminals and saving life from drowning, the following may be quoted:—

" Police Constable 1067 Andy Singho, of Ratnapura, hearing cries from the river, ran to the bank, where he saw a man being carried away by the current in water approximately 13 feet deep towards a dangerous and rocky part of the river. The constable promptly slipped off his clothes, plunged into the river, swam to the drowing man, dived, and brought him to the surface just after he had sunk for the first time.

"A man named Adaippan Muttiah stabbed his wife to death as she proved unfaithful to him, and as he, with a knife in his hand, was chasing after the man who had taken his wife from him, Police Constable 2172 N. K. A. Joseph of Batticaloa, promptly and fearlessly ran after the man and arrested him.

" Police Sergeant 2120 Khan, of Anuradhapura, who was sent to enquire into a case of theft of Government property, when attempting, single-handed to arrest two accused was attacked and seriously assaulted. In spite of injuries received, the Sergeant held on to the two accused, aud took them unaided 2 miles to the police station.

"Police Constable 858 Daulagala, of Pasyala, proceeded to raid a gambling den with Police Constable 2464 Banda and Police Constable 1569 Mudalihamy at about 10 P. M. During the raid one of the gamblers dealt a blow at Constable Banda with an axe, which was intercepted by Police Constable Daulagala. The den keeper dealt a blow with a katty at the head of Constable Mudalihamy, who was holding one of the accused, and felled him to the ground. Polic Constable Banda seized the den keeper and took away the katty. Five of the gamblers were arrested.

"Police Constable 2052 Jedrick Appu and Police Constable 1864 Cornelis Appu, of Negombo, when on night patrol duty, saw two men, who started to run in seeing the constables. The two constables chased after them, and arrested

them in a house. On searching the men a jemmy was found in the possession of one who was an habitual criminal, the other man had a club. The two men arrested were undoubtedly out with the intention of committing burglary, and by their prompt action the constables prevented the commissi..n of the crime.

"About 12 midnight, Police Constables 590 K. J. Perera and 2653 S. Muttiah, of Kalutara South, when on night patrol duty near Koholana junction, saw a man coming from the river. On seeing the constables the man ran, when the two constables chased and arrested him. As the constables got up to the man he threw away something Search was made immediately and two bangles and a hairpin found. The constables made inquiries till morning as to who the prisoner was ; they suspected that he might have broken into a house, and made inquiries, but without success. In the morning they learnt that he was a man from the Panadure side of the river. Leaving the prisoner in charge of Constable Muttiah, Constable Perera came across the river to make inquiries, and learnt that the prisoner had committed a double murder. He was subsequently tried and sentenced to death.

CO-OPERATION AND CO-OPERATIVE SOCIETIES.

(By V. Gopala Aiyar, Vellore.)

The advantages of co-operation are so obvious that there is not a single civilized country in the whole world which has not been eager to adopt and further it. Powerful and prosperons countries like Great Britain, Germany and the United states of America have found co-operative societies beneficial to national well-being. Our need therefore is certainly greater than theirs. And in no country in the world are the social and economic conditions so favourable for the spread of the co-operative movement as in India. The success achieved here so far has no parallel in any country. But what, has been attained is nothing compared to what is yet possible. Therefore is it, all the more, necessary that highly educated people should take active interest in its development.

Co-operation is now admitted by critics, to be the best means of achieving economy and profit, at least so far as the middle class people are concerned. Thrift, self help and mutual help are its main features. Each member of a society takes an interest in his neighbour and all in the common good. It aims at removing waste of power, time and money and directing the power, time and money to amelioration of the conditions of life of the co-operator. Co-operation insists upon honesty. In fact its aim is to secure honesty to take the place of property as security for loans advanced. It creates regularity, punctuality, forethought and business methods. In the words of Mr. Wolff the greatest living English authority on Co-operation, "The idle man becomes industrious, the spendthrift thrifty, the drunkard sober, and the illiterate learns to read and write."

work is concerned. Much of the efficieny of the force depends upon the education and training of the individual memers of the force which must be up to date, systematic, scientific and efficient In short any officer who has been a principal is a Police Educational expert To add to this, Mr. Armitage was the Commissioner of the Madras City Policeor over a decade viz from 1910, which is unprecedented in the anuals of the Maras Police. Mr. Armitage was not only the Principal of the P.T.S. Vellore, whgave it a shape to start with, he was the Assistant Superintendent of Police, Vore, prior to it and the Superintendent of Police, North Arcot District later oi Mr. Armitage was Assistant Inspector General of Police, Madras, for a long tie. He was on special duty in the preparation of the Police codes for a shorime before his present elevation.

As Commissioner of the MadraCity Police for over a decade, Mr. Armitage has had opportunities of very intitely acquainting himself with the aims and aspirations of the politicians and her reformers of the Indian community as a whole. Unlike some, Mr. Armite is in full sympathy with our Indian aspirations and aims and wishes. Ur Mr. Armitage, the reputation and morale of the City Police were grea improved and we believe that Mr. Armitage will devote himself to seeng a similar object in the case of the police force of the Presidency.

Now coming back to our subject., the twenty-second batch of Sub Inspectors of the P. T. S. Vellore and thfinal examination and sports ending on the 22nd October, which we said is a retter day for more reasons than one in the annals of the P. T. S. Vellore, Armitage as the officiating Inspector General of Police, arrived at Vellore the 20th October to personally satisfy himself as to how the Sub Inspector cs fared individually in the final examination and in the programme of work. he happy news of the confirmation of Mr. Armitage as Inspector General olice, Madras, was announced in the papers soon after his arrival at Vellord was received joyfully.

Mr. Armitage inspected the . S. and the C. R. S. and ordered the latter to be closed from the 1st of mber 1921 as the recruitment of constables has been temporarily stoppeding to the abolition of the Casualty Reserve.

Mr. Armitage was present at ae important events of the programme of the week from the 20th Idem. witnessed the Riding-competition and himself undertook the responsible of a Judge. The Inspector General's Riding Prize was awarded to cadet Supector Appalrajoo, who stood first in the competition. The second prize warded to Sub Inspector Bansi Lal, son of Deputy Superintendent of Polr. Kupchandji. On the 22nd Idem at 7 A. M., the usual ceremonial parade eld. The Inspector General of Police inspected the men and the March Pas excellent and we believe Mr. Armitage was well pleased with the smartnd efficiency which the Sub Inspectors exhibited under the able command control of Mr. G V. Stanbury, the officiating Principal of the P. T. S. imavoidable absence of Mr. J. Elliot,

the permanent Principal on other dty in disturbed Malabar. After the March-Past was over, the cadets were formed into a hollow square when Mr. Armitage addressed them principally uon the present political situation and their attitude as Police Officers towards i.

Now turning again to our suject, after the parade was over, the Inspector General of Police went intohe P. T. School where the lecturers were introduced to him. The InspectorGeneral of Police then examined the final results of the cadets and passed orde. About 33 Sub Inspectors have been ordered to be pass-ported to various disicts and two Inspectors and two Sub Inspectors have been ordered to be detned for a further course of training; thus after eliminatiug the Sub Inspector dets of the previous year, there are at present about fourteen cadets in the P. TSchool.

There had been a wild rumour thahe P. T. School also would be ordered to be closed but we are glad that the rumr, though very general, is not likely to be given effect to.

In the evening various sportsvere gone through and many were the interesting items that were includeon the programme. The V. C. Race and the Musical Chair presented a most posing spectacle and the horsemanship of the cadets was very much admire

Mrs. Stanbury was *At Home* anhoice refreshments were liberally provided. The *elite* of the whole town Vellore was present both European and Indian.

The prizes were distributed among winners by Mrs. Armitage. With very enthusiastic cheers to Mrs. Arme proposed by Mr. Stanbury and vehemently responded to by those pres the proceedings of the day ended, with the Police Band striking up " God the King."

INSTRUCTIONS TO THE CONBULARY AT STATIONS.

(By the or)

It is a well known fact that instrus to the constabulary at Stations are limited to the rare occasions and dε the week and a special mention of it is made in the General Diary of tl. It is not necessary to limit the instruction to these rare occasions only at best the off—duty men alone can be formed into a class. It would be bf such instruction is not confined, as it is now the case, to the legal andical side of a constable's duties. Instructions can be given at any time place and the instruction should include instances and cases which have dy occured and in which bravery and promptness displayed by individual e officers may serve as examples.

Co-operation means working together and is constructive, cumulative and flexible. It seeks to do away with competition. Co-operation as an element of the economic life of a community is concerned with money and commodities. The origin is of the spiritual order. It is based upon the doctrine of love and self-sacrifice. It harmonizes different interests and elevates them from the material to the spiritual plane. It bases its business on honesty and equity and therefore it encourages, nay, has for its object the encouragement of honesty, thrift, self help, self-reliance, fellow-feeling, business methods, capacity for management, enlightened interest, in short, the building up of character.

A Co-operative society is not a charitable institution but a business organisation. Co-operation produces thrift and self help which charity does not. The latter demoralises the recipient while the former builds up his character, A co-operative society is different from a joint stock company. In a Co-operative Society it is the character of the person that matters. No one can become a member unless admitted by the Managing committee. But the membership is kept open, so that any person may join it who can satisfy the managing committee as to his character and is willing to undertake the responsibility of membership. The shares are small in value so as to suit the poor for whose benefit the society is really meant and further the share capital can be paid in small instatments for a stipulated period. Co-operative societies are associations of the weak to get strong and are worked in an unselffirst spirit. They are also different from trade unions which to are combinations of the weak to get strong. The latter resist the tyranny of Capital and decide on what terms labour shall be available. But they are not trading or business concerns. Similarly friendly societies are not co-operative societies because they too are not business concerns, though their object is the encouragement of thrift and mutual help.

Co-operative societies do not ask for doles of money or for deposits without interest; they want them on business terms. Services are generally paid for and where they are not, they are rendered by the members for the sake of economy and to help each other. The organizer of co-operative societies who goes to villages and towns at considerable trouble and self-sacrifice and persuades groups of people to form themselves into societies has no doubt an altruistic motive. But he is in the same position as a religious or other missionary who has come to believe in certain ideas as conducive to greater individual, communal or national wellbeing. He is a public worker, not a dispenser of charity. The state in many countries encourages the formation of co-operative societies, affords various facilities to them and gives monetary assistance for propaganda work. In doing this it only recognises their great potentiality for national good.

THE SACRIFICE THAT FAILED—II

(By K. Ramanujan.)

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It was sunset; the deep afterglow bathed in purple a beautiful woman dressed and bejewelled at her best toiling up the steep steps of the hill with the Amman shrine on it. An old man followed her grumbling at every slip, weighted down by a basket containing cocoanut, plantain and other offerings to the goddess. Earlier in the day, a sheep was taken charge of from him, by a man from the *Kalamukhi* and taken to the hill top. A few minutes more and it would be dark. The old man asked his wife whether it was advisable to thus venture into the lonely shrine without any one knowing of it. The woman laughed and said that fears of the kind were ridiculous as they would soon be in the company of the holi yogi, and their own temple *pandaram* bound to them by the closest ties. Shortly after both entered the gopuram gate and emerged into the broad courtyard. They found a servant putting up the usual lights assiduously. They approached the flag-staff, put their bundles down and having gone round it thrice, prostrated themselves before it. A pandaram stood before them and invited them into the presence of the Devi. The woman asked him whether a certain Yogi was inside. "He is, Amma," said he "in fact, it is the Swami's will that you should be brought in." All the three went in. The sage, looking even more stern in the glimmering light, was seated cross-legged a few paces in front of the idol. The same man who was putting up lights a while ago was now arranging all the accessories of the evening *puja*. The Swami turned to the woman and told her that in a short while this usual *puja* would be over, and that after the *mangalarathi*, she and her spouse should repair to the *Balipeeta* and await his arrival. She assented and after witnessing the final camphor swinging, went with her husband to the Balipeeta. She found there that the pandaram who took her in had already drawn certain colored diagrams in front of it, and had placed thereon nine earthenware vases with nine different grains. In the centre was a new mudpot with its mouth filled by a cocoanut and neem leaves and body besmeared with kumkum and sandalpaste. A shiny sheep-killing knife with a short handle stood aslant on the altar also dotted as above. The sacrificial goat duly vermillioned was tethered close by to the pillar of a side-shrine. But more than all this, a sinister object stood near the diagram which sent a chill even through that bold, intriguing woman. It was no less than a two-feet high brass votive statue of the temple, with a horrible grinning human skull in its gathered palm instead of the usual earthenware saucer light. There was a hole in the crown out of which two stout wicks floating in grease and ghee, showed their tongues. The old man strangely uneasy moved out to some distance towards the main entrance. The fact that the big doors were closed and barred from inside perturbed him yet more. He slowly returned to where the Pandaram stood, and asked him why the main entrance was closed and barred. The man said it was necessary as the *puja* to come was a very special

one. "And where is the temple Pandaram and his assistant" asked the old man, "I see all fresh faces." "This is due to—but, hush" says he, "there comes the Swami." The Kalamukhi came at this moment slowly from inside, prostrated himself before the altar, and seated himself cross-legged in front of the diagram. Then began a long invocation to Kali, after which, the goat was brought to the *pita*, despatched with a single stroke, and the gushing blood caught in a vessel. Drops of it were poured first into the grinning skeleton, and then into each of the nine vases. The sacred ashes in the tray were mingled with a few drops, and the man bade both husband and wife to approach him. When they came near, he dotted their foreheads with the same, and then he asked the woman to sit facing him. "The heart of the sacrifice is yet to come. Ask your husband to retire to a distance, and watch the proceedings. He must not hear any of your responses to my queries. I will order the Pandaram also to quit." Reluctantly, yet assured by the permision to watch the proceedings, the old man left to a distance chosen by the Pandaram. The Yogi thereupon lit all the several lights kept near the diagram, including the skeleton one, and began to swing burning camphor before the praraphernalia, uttering the whiles some queer jargon. This over, he asked the woman to sit as before and with a measured tone and wooden face explained to her as follows:—"The whole scene is nearing its close. This much elaboration was necessary to assure the old rogue that getting a heir for a dotard like himself was no easy matter. Now listen, my beloved. All my life is bound up with yours, and since the day I came to know you, I have not known what it is to be in peace. Glory to Amman, our happiness is now on our lap, and in a few minutes more you and I will be leaving these luckless parts, for our own home far to the south. Have you managed to bring away with you all that matters."? "Yes," said the deluded creature, lost in admiration for her stalwart lover's ready prowess, "Yes, the fool could not brook my taunt and my tears, and he threw the longed for keys before me and went away outside. Though he was absent only for a few minutes, I managed to bring away not only the jewels, but a bundle of currency notes the value of which I am not aware." "Good" said the man, whose eyes sparkled, "this is what will take place now. The Puja will be over in a minute. You and your husband will be served with *prasadam*. In that served to the uxorious fool, will be mixed a kind of nectar which will take your lawful lord to Swarga in a few hours. His body, after the faint comes on, will be removed by one of my men and deposited at the foot of the hill somewhere, You and I will first repair to my temporary abode at the ruined Chattram yonder, and shall leave for Th——nam, the nearest Railway Station. Is everything plain to you, my eyes, my parrot."? The woman was all aglow with excitement, and assented cheerfully to all that was said. The Yogi then beckoned both the males to come near, and the final benediction with solemn mantrams and the breaking of many cocoanuts took place. Prasadam grain in two separate vases, was then ordered to be served to husband and wife severally. The Pandaram, who was already initiated into the secrets, poured from one vase *thirtham* on which bilwa leaves floated, into the hands of the old man, while from the other, the wife was served with a thick mixture of

panchamritam. At this moment, the other Pandaram who kept himself away all the time, approached the group. This seemed to be a signal for the final act. Throwing away all disguise, the ruffian called to one of his satellites, to remove the already tottering old man down to the hills. "But stay" he added "a better way suggests itself to me. Carry the carcass stealthily and throw it inside the backyard of his house in the village and be back to the rendezevous as quick as you can." The old man's eyes were getting dim by this time, and his poor head swimming. His cruel wife saw without a pang of remorse the feeble body being hoisted up on the shoulders of the man addressed, and the pair depart. Turning to the other man, the leader cried "Here, look sharp, and remove all the trace of the Puja completely. Take these keys and keep back the vases, chandeliers, and the skeleton head in the store room. Put out all the lights, excepting the usual one before the idol. We will wait outside for you. When you come out, bring the carcass of the slain goat with you. We can throw it into the ravine near the chathram for jackals to eat." So saying, the man took hold of the fond woman's willing hands and emerged into the gloomy darkness of the outside and both inhaled in full the grateful breeze of the hills. Scarcely ten minutes elapsed, and the man inside came out carrying the slain goat. He deposited it outside and locked the ponderous outer gates. "Take these keys, run with them to the temple Pujari's house, and keep the bunch quietly on to the middle of the nether cross beam of the verandah fronting the centre door. The man has been advised to look for it in that place and he will get it back alright. Hasten from thence as quick as you can to *the place.*"

Having attended to all these, the leader took hold of the woman's hand again, and began to lead her gently by a side path to the choultry mentioned already. The descent in many places was very rough; light clouds sped aloft and even the little starlight available was often screened. Hisses and stealthy rustlings unnerved the woman, but the hold of her lover was as strong as ever, and his steps assured. A few minutes more and both gained the bottom of the hills. From there to the ruined edifice, it took them another ten minutes. What was the woman's fright when she found, that instead of a rich man's camp fitted up with lights and other luxuries, dismal solitude and a sense of unseen peril faced her! She opened her lips to ask her lover what all this meant, when his hand was clapped roughly to her mouth, and she was advised with equal roughness, to keep quiet if she valued her life. "Pedda, are you there?" "Yes, Ayya, I am coming." "Bring the gag I have prepared and put it on to the woman's mouth." This was done in a moment, the woman collapsing completely through terror and mystery. Some drops of water were dashed on her face, and with the aid of a small pocket lamp, she was propped up against one of the pillars of the pial. She came to shortly after and looked about her in a pitiable state of fright. Disregarding her misery, the man cried to Pedda that time was up, and that as the woman should know beforehand what honor awaited her, he was to tell her briefly in his presence their common purpose. So saying he helped the woman to rise, and took her to the ruined backyard,

and seating her on a stone near an ancient well more than half filled with rubbish, asked the man to begin. A slight noise as if a heavy body moved about cautiously arrested their attention. The leader looked at Pedda——Pedda observed that it must be some jackal or hyaena making away with the meat thrown across by Guruva. This satisfied the ruffian, and the recital was allowed to commence. "Look here, beautiful dame, "great happiness is in store for you. My master happened to cross over "to these parts about two months ago. Being a votary of Bhavani, a "dream came to him one night, that in this ruined well you see before you, "lies deep in its bottom, a vast treasure which belonged at one time to a rich "Nattu-kotai Chetty, who was set upon and murdered in this very chattram. "The robbers were about to be detected and eager for their lives, they threw "the bundles of sovereigns and rich diamonds into this well, and decamped. "Fate never allowed them to revisit these parts, and there lies within "easy reach of us riches beyond the dreams of avarice. The benign Goddess "only exacted one condition, *viz.*, that before digging for the gold, a young "woman, beautiful, accomplished but childless, should be told her destiny before-"hand and be immolated to the two cobras her agents, who lie coiled up even "now in the well. My master, after vigorous search all over, fortunately gained "first your affection and then your person, and glory shall be your lot shortly, "when Bhavani receives you into her bosom. Now that you know what you "are destined for, cheer up and be ready for the close."!

By this time the other two cut-throats had also joined the group, and one of them handed to Pedda a long, thin blade curved slightly in the body. The poor struggling woman was not even blind folded. She was dragged by the men to the very edge of the well, and her head was bent by force to look down at two enormous cobras, which with terrific hisses looked up at the source of the thin light steaming adown, and shot out their tongues lightning like. A minute elapsed and Pedda from behind the woman had already raised his hand to strike when——lo, a broad stream of light flashed on the whole demonaic group and three revolvers in the hands of resolute men pointed straight at them. One who seemed to assume the lead emerged from behind the three, took a few strides and approached the head ruffian who on seeing the person nearing him showed every sign of hopeless doggedness. Meanwhile, the men with the revolvers approached the three other cut throats, and handcuffed them smartly. One of the three, removed the gag from the dazed woman's mouth, and in kindly tones asked her to sit down and take some rest. The director of this new party now asked the Inspector to order his two men to guard the hand-tied rogues, and join his side. This was done. "Well, Ram jogi" began our friend, "the warning I gave "you only a few months ago at Ran—nur seems to have had but slight effect. "Did you not, at the time I let you escape, solemnly swear to me that you "would dedicate your undoubted gifts in a harmless way thenceforth, and that "blood, human blood, would never soil you hands again? How soon have you "eaten up your oaths! Not that I believed in any sudden transformation of a

" nature more fiendish than that of the tiger. I made my own arrangements to " keep you in sight since the day you crossed the Tungabhadra, Every move of " yours in these parts, all your attempts to lure young women for this diabolic " sacrifice, were under observation. But even I could not divine that the object " of enticing this vain creature was to cut her throat in this god-forsaken spot, " till I overheand your discussions of the scheme with yon precious rascals a " few days ago. Well, your time has arrived. You see before you the Inspector " of this circle and his officers, I arranged that they should see with their own " eyes your attempt at cold-blooded murder. Independent witnesses also are " here who will bear out the details of this scene to the last pin point. So good " bye to you !." Turning towards the Inspector, this strange man, who at the time of the story was dressed as a shepherd, called his attention to the fact that he beheld before him the notorious dacoit, sorcerer, forger and the criminal all-in-all of the Southern Mahratta States, Ramjogi the peerless, son of a Pamlore mother and a Brahmin father. His last attempt was a wholesale slaughter of a Lingayet family in Ran—nur, one of whose beautiful daughters repelled scornfully his shameless advances. "I was of some use to the family" said he, "in scenting the diabolical plot and preventing the holocaust. At that time, for reasons of my own, I let the man scot free, but have had him under espionage ever since. Please oblige me by taking charge of these ruffians and by letting law take its righteous course againgt them."

So saying he saw to the secure handcuffing of Ramjogi also, and inviting the fallen woman to get up and come with him, the stranger turned to go.

"May I know who you are, Sir" asked, with something of awe, the Inspector.

"All in good time, my friend," replied the stranger and left the place.

SECRETARY'S COLUMN.

[In the following pages, I will publish month after month topics that concern our Association. Select proceedings of District Branches also will find insertion in this section. Copies of our correspondence with the authorities, and with Secretaries of Police leagues of other provinces together with their relevant proceediugs, will also appear in the same section. Sub Inspectors of this Presidency, whether they are members directly of the Central or, through their District Branches, are requested to bear in mind that unless they whole-heartedly subscribe to and support both the Association and its journal, the latter must fail, bringing with it lasting discredit to us all.——Secretary.]

:o:

The Memorial, printed below, has been submitted to the Inspector General of Police, Madras, by every Inspector and Sub Inspector of the Presidency, with unreserved trust in his sympathy for the Subordinate Police and in his keen sense of Justice.

TO THE INSPECTOR-GENERAL OF POLICE, MADRAS.

This Humble Memorial most respecfully showeth :—

1. That the revised scale of pay to the Inspectors and Sub Inspectors of Police recently announced is extremely disappointing, discouraging and inadequate when the fact is borne in mind that the revision had for its sole object relief to the Inspectors and Sub Inspectors of Police on account of the abnormal rise in prices to the extent of 300 p. c. which shows no tendency whatever to resume normal state.

2. That though the Police Commission of 1903 laid it down that the status of an Inspector was equal to that of the Tahsildar, and that of a Sub Inspector, to that of a Deputy Tahsildar etc., this principle has evidently been ignored in the present revision of pay, and your Memorialist therefore requests that the scale of pay of Inspectors may be fixed at Rs. 250-10-350, and that of Sub-Inspectors at Rs. 100-5-150-10-200, counting back service and giving effect retrospectively from 1919 as is done in the case of most of the Gazetted services and also in the case of similar officers in other provinces, without any efficiency bar so as to enable a Sub-Inspector to become a 1st grade Inspector within 20 years and to become a Deputy Superintendent afterwards in the usual course, or to retire as a 1st grade Inspector at least. As it stands, most of the Sub-Inspectors are still kept as Sub-Inspectors, though it is now 16 years after the introduction of the Sub-Inspectors' scheme; their chances for promotion are few and far between if direct recruitment of Inspectors is made. Nor is the lot of an Inspector a happy one. As changes of promotion to the rank of a Deputy Superintendent are almost limited, he has to drag on his weary existence in the same rank till retirement, which always opens to him a gloomy vista of his future miseries which will be brought on by insufficient pension, additions to his family, and other causes incidental to old age which naturally requires peace of mind for prolongation of life. The death-rate of retired Police Officers is a convincing argument in favour of increasing pay towards the fag end of service.

3. The Memorialist further requests that the incremental system of pay counting back service should be introduced both for Inspectors and Sub Inspectors; and in case the Inspector-General could not see his way to sanction it, the re-gradation of Inspectors and Sub-Inspectors may be effected with sufficient percentage in each grade especially in the 1st grade as the present percentage is not proportionately arranged considering the total number in each cadre. Reserving decent proportion in the 1st grade of Inspectors will be helpful to officers who retire as Inspectors—to secure a better pension and to lay by sufficient funds to discharge debts incurred during service for maintaining their position in life. The Inspectors formerly retired on pension better than that granted to Tahsildars, and

now according to the present scheme, their position is made more miserable than that of their compeers in the Revenue Department.

4. That your Memorialist prays that a maximum House-rent allowance of Ks. 40 for Inspectors and Rs 25 for Sub-Inspectors be sanctioned.

5. That your Memorialist further urges that the Sub-Inspector who is the Officer in charge of a station, being the first to bear the brunt of the attack from all sorts of men, is not provided by Government with any defensive weapon, much less he has been permitted to keep his own, without a license, and the recent sanction of Rs. 5,000 per year for the supply of revolvers to Sub-Inspectors is insufficient. He therefore prays that all might be provided as early as possible with a revolver and be permitted to wear sam-browne belts.

6. That the work that has always been turned out by your Memorialist both physically and mentally is comparatively more responsible, arduous, risky and all engrossing than that of the officers of other departments. The above qualities were put to a seve e test during and after the late war, which is, in the words of Sir John G. Cumming a period comprising "some sore trials, unrest, actual disorder, anarchical out-break, inter-religious confiict, serious scarcity, economic strain owing to high prices and a out-break of Influenza." Your Memorialist has been tried and fouud not wanting in the above critical times. Your Memorialist invites your kind attention to the testimony borne by Sir John G. Cumming K.C.I.E.C.S I. M.A., to the conduct of the Indian Police during the strain of the great war, in his paper on "Crime and Police in India" read before the East India Association, London, in February '21, under the Presidency of Sir Edward R. Henry, *Bart.*, retired Commissioner of Police, London. This paper has been published as Appendix I in the July and August issue of the *Police Magazine* and presented to you on 22—10—21, during the deputation of Sub-Inspectors.

7. That your Memorialist begs to invite your attention to the fact that in the above mentioned meeting of the East India Association, Sir John G. Cumming observed, :—" In recent years there has been a tendency in the Legislative Councils in the press to attack the expenditure on the Police; accusations have not been wanting that it is a pampered service; the critics are zealous iu expenditure for public welfare in the interests of education and health, but inclined to forget that a peaceful condition of Society is the pre-requisite for all professions, for all trade, crafts and agriculture, and that it is not in India alone that Police Administration has become more complex and more expensive etc, etc.," and Colônel Sir Charles Yate M. P. in the course of the debate on the paper expressed "that they would hear no more of what the lecturer had described as the tendency in the Legislative Councils and in the press to attack the expenditure on

the Police. He trusted that the new Legislative Councils would not forget that, as the lecturer has put it, a peaceful condition of Society is the pre-requisite for all professions, for all trade, crafts, and agriculture and it is not in India alone that Police Administration has become more complex, and more expensive that, however good education might be, they would realize that education was no use unless those educated had security to enjoy the benefits of that education and thus quickly make up their minds that the Police ought to be well paid, and that nothing should be left undone to secure that they had a really contented and well paid body of men to look after the safety of the people of India (Hear-Hear)." In answer to the questions raised by Sir Charles Yate and Lord Carmichael and others about the success of Police work in India, Sir John G. Cumming replied thus:—" In one sentence, you cannot have a good Police unless you pay them well and house them well."

Your Memorialist further urges that Mr. P. L. Moore, late Inspector-General of Police, Madras, similarly remarked in the Police Administration Report for 1918 as follows:—"I am aware that any increase in Police expenditure is jealously watched in the Legisla ive Council and this is natural because it is on the face of it less productive than expenditure on Education and Sanitation. At the same time it would I believe, be incorrect to come to the conclusion that expenditure on the Police is distasteful to the people of the country. The services of the Police are undoubtedly appreciated by the people; what they want is not less police expenditure but more efficiency which can only be assured *by a properly paid, properly housed and therefore contented force*."

9. Considering the gave responsibilities connected with their appointments, the need for placing them *beyond temptation* and the advantage the administrators would be achieving by possessing a *contented and loyal force*, your Memorialist respectfully requests you to give this Memorial your kind consideration and sympathetic support and thus give speedy relief to the affected and the distressed.

———:o:———

When posting copies of the above to Inspectors and Sub-Inspectors, I enclosed therewith two Circulars, Nos: 3 and 4, requesting patronage of *The Police Magazine*, and inviting opinion on certain matters of reform. I reproduce below, for purposes of record, the last of these circulars:—

Circular No. 4.

In the *Hindu* of the 28th ultimo, is an extract from the *Servant* commenting upon Sir Devaprasad Sarbhadicary's suggestion that his Royal Highness should be the bearer of a special Message of good will from the people of Great Britain to the people of India in these troublous times.

"This will not involve him in politics" says Dr. Sarbhadicary, "but may greatly help those who between the Government and its opponents are having a most uncomfortable time." While by these persons between the two mill stones, he evidently means the Moderates, I make bold to draw my own inference that the Police in India form by far the largest part of this class of people. Considering the very heavy burden of responsibility that now lies on the Police to safeguard the sacrad person of His Royal Highness as long as he is in in India, this is the fittest moment for us to approach Government, constitutionally, to grant us some very essential concessions described briefly below. Inspectors and Sub-Inspectors when signing the Memorial are requested to go through these carefully and to avour me with their views and criticism, so that the problem may be threshed out in all its aspects and presented to the Government at an early date.

1. The Imperialisation of the Police service with uniform status, emoluments etc., from the ranks of the Sub-Inspectors upwards throughout British India.

2. The eligibility to pension of Police Officers of all ranks after a period of service which must be less than that of public servants of other departments: in view of the fact that a Polic Officer's duties involve risks and hardships from which other departments are free, also in view of the fact that an executive Police Officer is supposed to be on duty at all hours according to the Act without a single holiday, the granting of a pension ¾ of the actual pay drawn by the Officer at the time of retirement.

3. Last but not least, the granting of two elected representatives, from the department itself, to sit in all Legislative Assemblies of India, who shall explain pro erly to the Non-official members of the Assembly complaints against the Police, supervise the work of the Police throughout the Province, and act as their mouthpiece in bringing the need for reforms before the whole House, one to represent Deputy Superintendents and upwards and the other to represent Inspectors and downwards.

It is needless to point out to membsrs of the force the golden opportunity the Royal visit affords to the Police to organise Intelligently and alertly among themselves to show to the Prince, the Government of India, and to the Britfsh Nation, their outstanding loyalty to the great British Government, and their willingness to live and die for it, expecting at all times the due meed for their loyalty and devotion, to come to them from the hands of the benign Government in proper time.

Members are requested once again to from District Associations where they do not exist at once and to favour me with their views on the Reforms outlined above as early as possible.

———:o:———

I am glad that at my instance, the Agenda of tht B. I. P. Conference to be held in Calcutta, has been made to include the above items also. I print below this Agenda in full:—

PROVISIONAL AGENDA FOR THE B. I. P. CONFERENCE TO BE HELD IN THE HOWRAH TOWN HALL.

(at Howrah, Bengal) on the 28th, 29th and 30th December 1921.

First day, 28th December 1921.

1. Opening of the Conference.
2. Address by the Chairman of the Reception Committee.
3. Election of the President of the Conference.
4. Presidential address.
5. Formation of a Subject Committee.
6. Report of the working of the B. I. P. A. for the year 1921.
7. Welcome to H. R. H. the Prince of Wales.
8. Address to H. R. H. the Prince of Wales.
9. Our duties to the State and the Public.
10. Co-operation with the public.
11. Thanks to the members of the I. P. and other services for their sympathy and support.
12. *Esp?rit-de-corps* and better understanding amongst the different ranks of the service.
13. Election of the President, the General Secretary and members of the Executive Committee of the B. I. P. A. for the year 1922.
14. Financial position of the B. I. P. A.
15. Rates of contribution to the B. I. P. A. by Provincial Associations.
16. Formation of a Committee for passing rules.

Second day, 29th December, 1921,

17. Uniformity of pay of all ranks throughout British India, excepting the cities of Calcutta, Madras and Bombay (special places to get Compensatory allowances).

18. Revision of pay, rates of increment and allowances of (*a*) Deputy Superintendents (*b*) Inspectors (*c*) Sub-Inspectors (*d*) Assistant Sub-Inspectors (*e*) Head Constables (*f*) Constables.

19. Retrospective effect to the increments of pay and allowances.

20. Retrospective effect to conveyance or horse allowances.

21. Special allowance for C. I. D., I. B.; River Police and other special services.

22. Travelling allowances of all ranks including Railway and River Police.

23. Recruitment of officers—

(*a*) Abolition of direct recruitment of Inspectors.

(*b*) Abolition of direct recruitment of Deputy Superintendents till officers officiating as Deputy Superintendents continuously for more than two years are permanently promoted.

(*c*) Restriction of direct recruitment of Deputy Superintendents to a maximum of 25 per cent after provision is made for officers, *vide* (*b*).

(*d*) Stoppage of recruitment of Assistant Superintendents until provision is made for the directly-recruited and promoted Deputy Superintendents in the ratio of $\frac{2}{3}$ and $\frac{1}{3}$ respectively,

24. Increase of cadre of—

(*a*) Inspectors by replacing Sub-Inspectors in charge of Kotwalis of all Districts by Inspectors.

Second day—(concld).

(*b*) Assistant Superintendents by the abolition of posts of Deputy Superintendents and merging them in the Imperial cadre, or,

(*c*) Deputy Superintendents by reduction of the number of Assistant Superintendents,

25. Indianisation of the Imperial Service by 50 per cent to facilitate the promotion of Deputy Superintendents to Indian Police—25 per cent being allotted to outside recruitment.

26. System and percentage of promotion of—

(*a*) Constables to Head-Constables or Assistant Sub-Inspectors.

(*b*) Assistant Sub-Inspectors to Sub-Inspectors.

(*c*) Sub-Inspectors to Inspectors.
(*d*) Inspectors to Deputy Superintendents.
(*e*) Deputy Superintendents to Imperial Service.

27. Status, position and privileges of—

(*a*) Deputy Superintendent—to be the *same* as Assistant Superintendents.
(*b*) Inspectors—to be members of the Provincial Service.
(*c*) Sub-Inspectors—to be treated as 2nd Class Officers.
(*d*) Assistant Sub-Inspectors or Head-Constables—

28. Major punishments to be inflicted by the appointing authority only.

29. Substitution of the ministerial staff in the Police Department by the members of the force.

30. Changes in the uniforms of the different ranks.

31. Supply of (*a*) first kit and maintenance kit to all ranks (*b*) charges and maintenance (*c*) free quarters or rent in lieu thereof.

Third day, 30th December, 1921.

32. Appointment of two members of the Police Force as members of the Legislative Council, to protect the interests of Provincial and the Subordinate Police Services.

33. Appointment of two police officers in the Secretariat to deal with Police matters.

34. Privileges of—

(*a*) Leave.
(*b*) Exemption from the Arms Act.
(*c*) Pension rule.

35. Memorials submitted in the past—their dates and results.

36. Steps to be taken to memorialize (*i*) Government of India (*ii*) Secretary of State.

(*a*) Committee for drafting.
(*b*) Drafting.
(*c*) Printing.

37. Deputation to the (*i*) Viceroy (*ii*) Secretary of State—selection of members for the deputation.

38. Suggestions to Government for meeting the increased expenditure for the increments asked for by—

(a) Possible reductions.

(b) Abolition or amalgamation of some other Government Departments.

39. Uniform rules for Co-operative system for investment of Benefit and other Funds.

40. The B. I. P. A. Magazine—its Editing, location, Management, &c.

41. Passing of the last year's Expenditure.

42. Discussion of the next years's Budget.

43. Fixiug the place for the next Annual Conference.

44. Submission of copies of proceedings to the Local and Imperial Government, to the Secretary of State for India, to the members in charge of Police Departments of all Provinces and to the President, Imperial Police Association.

45. Vote of thanks to the Chair.

Copies of this Agenda have been posted by our office to the Secretaries of all our District Branches, so that they may send direct to Howrah any further items of importance which they desire should be discussed at the Conference. I hope my friends in the districts have done what was expected of them.

MEMORIALS FROM SIND.

I am reproducing here the recommendations made by the Commissioner in Sind on the Memorials submitted to him by the Inspectors and Sub-Inspectors of the province. The eminently sympathetic and fair-minded tone of the Commissioner, must earn the gratitude of every hard worked Subordinate Police officer:—

Memorandum.

The Commissioner in Sind presents compliments, and has the honour to submit herewith for the consideration of Government a copy of letter No. 4837, dated the 21st. May 1921, together with its accompaniments consisting of 178 identical memorials presented by Inspectors and Sub-Inspectors of Police in Sind.

2. The Commissioner would invite attention to his confidential Memo. No. 51 dated the 4th March 1921, in which reference is made to

the dissatisfaction prevailing among those Police officers with their position under the recently revised scheme of pay. That this dissatisfaction is acute and general admits of no doubt. The Commissioner received a deputation of the recently formed Sind Police Association for the purpose of discussing with its members the several points raised in the memorial and he was convinced that there is strong feeling among these officers that justice has not been done to their claims in the matter of revision of their pay to meet the enhanced cost of living.

3. One point on which the deputation laid great distress, although it is only incidentally referred to in the memorials (Paragraph 7), and which the Commissioner regards as important is the necessity for a higher scale of pay for officers of this class in Sind as compared with that of corresponding officers in the Presidency. This point has repeatedly been pressed on the ;notice of Gevernment, and the Commissioner need not therefore enlarge upon it. He would merely invite a reference to the Hon'ble Mr. Lawrence's memo, No. E-517, dated the 17th October 1918. Therefore, even assuming that the revised rates of pay are considered to be adequate as applied to Police officers in the Presidency proper, it does not necessarily follow that they are adequate for Police officers in Sind. The Commissioner would therefore ask that the question of the pay of the latter may be considered on an independent basis and with special reference to Local conditions.

4. Turning to the specific requests made in the memorials the pay of the Inspectors has been raised from Rs. 150 rising by grades to Rs. 250 to a time scale of Rs. 180 to Rs. 255 with selection grades of Rs. 270 and Rs. 300. The advancc is inconsiderable and certainly not commensurate with the advance in the cost of living, being one or only 20 per cent on the previous minimum and maximum rates of pay. It compare unfavourably with the advance granted in the case of Mukhtiarkars, whose pay under the recent revision ranges from Rs. 200 minimum to Rs. 350 maximum. Inspectors of Police have in the past served on rates of pay the limits of which were identical with those applying to the pay of Mukhtiarkars, and the Commissioner is of opinion that their rates of pay should never be less than than those of latter class of officers. It could even be contended, and not without jnstification that they should be somewhat higher, Police work in these days of Political agitation is much more complex than it was formerly. Consequently the demand is for a more highly qualified class of officer, approximating more closely to the class from which Revenue officers are drawn. But there can be no question that Police work is mnch more arduous and consequently correspondingly less attractive to this class than are the duties of Mukhtiarkars. The prospects of promotion to higher rank are also muchless, while the average length of service of the officers is greater owing to promotion from lower ranks being slower. These considerations point to the desirablity of somewhat

more advantageous rates of pay for Police Inspectors. The D. I. G. proposes a time scale of Rs. 220 to 320 with selection grades of Rs. 340 and 350. The Commissioner considers that this goes rather beyond the strict necessities of the case. He would favour an ordinary grade of Rs. 200-10-300 with a single selection grade of Rs. 320-15-350 for 15% of the cadre. The existence of two selection grades, as at present gives rise to some dificulty; the above proposals would remove this objection.

5. As regards Sub-Inspectors, the present revised scheme provides for a time scale of Rs. 75 rising in the course of 21 years to Rs. 145 with selection grades of Rs. 150 and Rs. 160. These rates of pay have aroused deep discontent ameng the Sub-Inspectors. The rate of promotion, an increment of Rs. 10 after a spell of three years, is altogether too slow. The application of the scale has necessitated the payment of personal allowance to a considerable number of the Police officers concerned, in order to bring their pay under it to the pay plus temporary and provisional allowances which they were drawing before its introduction. This is sure indication of its inadequancy for the purpose of placing the remuneration of this grade of Police officers on a satisfactory basis which will ensure the recruitment of the more highly qualified class of men now required. Such will certainly not be forthcoming unless the scale is substantially improved. The D. I. G., proposes a time scale of Rs. 100-5-150 with selection grades of Rs. 160 and Rs. 180. Here again the Commissioner is of opinion that his proposals are susceptible of some reduction. He would propose an ordinary time scale of Rs. 100-5-150, with a selection grade of Rs. 160-10-180 for 15% of the cadre. He does not at present support the recommendation for the grant of charge allowance for certain stations but this may have to be reconsidered if the proposal now before the Government to allow Sub-Inspectors grade promotions is negatived.

6. The question of remuneration of the Prosecuting staff is an important one. Recent Police Adminstration reports for Sind indicate that the present level of efficiency of this staff leaves much to be desired, and that this is reflected in the results obtained in Police cases before the Magistrate Courts. Service in this branch is umpopular both because the work is *perse*, unattractive and because it is felt that it offers no prospects of promotion to the higher grades. Consequently the branch fails to attract good men, whereas, if satisfactory result are to be obtained, the officers serving in it should be distinctly above the average in point of ability and knowledge of law. The present scale of remuneration is altogether insufficient to ensure this. In particular the initial pay of the Sub. Insprs. is much too low. Mr. Ommannay recommends the following scale.

Inspectors.	Sub Inspectors.
Rs. 240—15—400.	Rs. 120—10—220.

The Commissioner supports these proposals.

The Commissioner agrees that there are no sufficient reasons for the grant of conveyance or tentage allowance to Inspectors and Sub-Insprs. As regards travelling allowance, the question as it affects all Departments of Govt., service is now under consideration, and the Police Department will be included in the scope of the general proposals that will in due course be formulated. It would be in convenient, therefore to deal at the present stage with the question in respect to this Department, separately, The Commissioner supports the proposals that Police Inspectors should be raised to Gazetted rank. The question has, however already been brought to the notice of Government but has been shelved pending their decision on the scheme of Sub-Divisional Police Officers (vide Govt. letter No. 1762 J. D. dated 23/2/20). With regard to the question of concessions in the matter of uniform and esquipment the Commissioner endorses the D. I. G.' S. recommendation that the Clothing allowance to Insprs. and Sub-Inspectors be raised to Rs. 80 and Rs. 70 per annum respectively.

8. The Commissioner recognises that this is not an opportune time at which to approch Govt. with proposals involving a heavy increase of recurring expenditure especially in view of the fact that the scales of pay under consideration have only recently under-gone revision. But he feels constrained to bring to their notice the fact that this revision, so far as the Sind Police is concerned, has proved seriously inadequate, whether for the purposes inducing contentment among the officers afiected or for ensuring that the services will attract candidates of the requisite qualifications and standard capacity and intelligence. He would therefore commend the memorials and his own recommendations thereon to the serious attention of Governmeut.

(Sd.) J. L. RIEU.
Commissioner In Sind.

REPRESENTATION FROM THE UNITED PROVINCES POLICE ASSOCIATION.

Readers will note that Mr. Farrant, speaks only of the grievances of Inspectors. Even as such, the arguments he uses are applicable equally to all subordinate police officers :—

FROM

L. E. FARRANT, ESQ.,
PRESIDENT OF THE UNITED PROVINCES
POLICE ASSOCIATION,

To

THE CHIEF SECRETARY
TO THE GOVERNMENT OF THE UNITED PROVINCES
OF AGRA & OUDH.

Through THE INSPECTOR GENERAL OF POLICE,
UNITED PROVINCES OF AGRA & OUDH,
ALLAHABAD.

Dated Fyzabad, the 12th November, 1921.

SIR,

As it is understood that the Finance Department of the United Provinces of Agra and Oudh has under consideration the question of the revision of travelling allowances, I am directed by my Association to address Government with regard to the travelling allowance of the Inspectors of Police in the United Provinces of Agra and Oudh.

2. As the Government are aware, there is a strong feeling among Inspectors that their present rate of pay is very inadequate under the present economic conditions, the Association is moving the Government separately on the subject, but in the meantime acute uneasiness has arisen from the fact that the Civil Police Committee, appointed by the Local Government in 1919, in order to enquire into the conditions of the subordinate police force, did not find sufficient grounds to propose any change in the existing rules of travelling allowances, with the result that the Keserve and the Divisional Inspectors are still deprived of their right to draw double second class fare when travelling on escort and inspection duties, respectively, and the Circle Inspectors of the right to draw daily allowance as allowed by the Civil Service Regulations which other Inspectors and officers of the various departments drawing the same rate of pay get, and of the right of charging mileage for road journeys within the districts of their posting.

3. These restrictions on the travelling allowance of the Inspectors concern the officers vitally inasmuch as they affect them pecuniarily, and, in view of the present feeling on the subject, the United Provinces Police Association ventures strongly to urge upon Government an immediate and sympathetic consideration of the subject. While the Association strongly holds that the recent increases in the emoluments of Police officers have not been commensurate with the increase in prices and the increasing difficulties of the service, it nevertheless realizes that the cumulative effect of these increases is a very large sum, but the Association ventures to point out that the effect of these increases is likely to be impaired by stringency in comparatively small matters.

4. The grounds on which the pay of the service, as also of other services, has recently been increased apply equally to the rates of travelling allowances. Even before the war it was considered that a four annas rate was inadequate as mileage for a second class officer and in the present circumstances when the value of labour has gone up by over two to three hundred per cent it can be easily realized that the cost of coolies, gharry and other incidental charges for which the mileage is allowed must have more than doubled itself. Therefore, even admitting that annas four was a suitable rate before the war, it is essential that an officer should now be allowed to draw at least double this rate and restricting the mileage to the old rate involves the officers concerned in serious pecuniary loss. This can only result either in making them meet the deficiency from their pay or discouraging them from performing that amount of travelling which is essential to the performance of their duties.

Considering the manifold expenses involved in carrying office records and personal belongings necessary for an itinerant life of a Circle Inspector who is at present neither paid any horse allowance nor mileage in the district of his posting and his flat rate of daily allowance of Re. 1 being miserably inadequate for the long distance which he has, not infrequently, to cover in the discharge of his official duties, the present rate of mileage is absurdly insufficient.

It is prayed that mileage at the rate of six annas a mile be granted to all Inspectors, including the Circle Inspectors, wherever posted, for journeys over twenty miles, within or without the district of posting, and that the restrictions laid down in this respect in Article 1039 of the Civil Service Regulations be removed.

5. In the matter of Railway charges the Reserve and the Divisional Inspectors have to incur a similar loss. A single second class rate after allowing the Inspector to travel in the second class does not leave any margin to enable him to meet the railway fare of his servant who invariably accompanies him and the incidental charges in connection with his journeys.

This again means another pecuniary loss and remembering that the Divisional Inspector posted to the Government Railway Police is generally required to travel for over 25 days in a month, the magnitude of this loss for an officer with a small income may be easily realized.

It is, therefore, prayed that Reserve Inspectors be allowed to draw double second class fare, irrespective of the nature of duty for which the journey by rail is undertaken, and that a Divisional Inspector posted to the Government Railway Police be allowed to draw one extra second class fare in addition to the free Railway Pass granted to him.

6. In the matter of daily allowance, there ought to be no distinction between officers of the same rank drawing different rates of pay. For instance, an Inspector drawing Rs. 180 per mensem spends exactly the same sum for incidental expenses as an Inspector on Rs. 300 per mensem, but the difference in the daily allowance, *viz.*, Rs. 1/14 and Rs. 3, puts the former into great disadvantage as he is out of pocket every day by Rs. 1/2 or Rs. 20 or more in a month.

In the case of Circle Inspectors a flat rate daily allowance of Re. 1 is sanctioned for any distance over 5 miles that their official work might take them. The inadequacy of this meagre recompense for the expenses incurred by them on all journeys, and especially on those over 20 miles, needs little to be said. The fact that their subordinates, first and second grade Sub-Inspecotors, who get a horse allowance also, are paid daily allowance at Rs. 1-4-0 and 1-0-0 respectively, for journeys over 15 miles, which in one case or the other, more than what their superiors the Circle Inspectorsget, lowers him in his own estimation and in the estimation of his subordinates as well. The humiliation of the Circle Inspectors in this respect can better be imagined than described.

A flat rate, therefore, of a daily allowance of Bs. 3 to all Inspectors including the Circle Inspectors, whereever posted, irrespective of pay, for all journeys of less than 20 miles is essential and desirable.

7. A Circle Inspector is provided with a tent by the Government which he cannot make use of, however much he desires to do so and feels the necessity for it, since he is neither paid any cartage for its transport nor is he given any Khalasis.

It is, therefore, prayed that suitable provision, according to local rates be made for the transport of the tent and the employment of a Khalasi, or that a Constable orderly be provided from the Reserve.

8. In the circumstances, the Association would most respectfully but *strongly* urge—

(*a*) that the Government be pleased to Sanction a mileage of annas six per mile to all Inspectors, including the Circle Inspectors, whereever posted, for journeys over 20 miles, within or without the district.

(*b*) that all the Reserve Inspectors be allowed to draw double secend class fare when travelling by rail, irrespective of the nature of duty, escort or otherwise.

(*c*) that all Divisional Inspectors posted to the Government Railway Police be granted one second class railway fare in addition to the free Railway Pass granted to them.

(*d*) that a daily allowance be sanctioned to all Inspectors, including the Prosecutng and Circle Inspectors, at a flate rate of Rs. 3 when an Inspector travels less than 20 miles, within or without the district, and in the case of Divisional Inspectors when they remain absent from their Head-quarters for over 8 hours.

(*e*) that the Circle Inspectors be allowed a suitable amount per diem, according to local rates, when he is on tour for the transport of his tent.

(*f*) that a Khalasi according to local rates (preferably a constable orderly) be allowed to the Circle Inspector while on tour.

I may note that the Punjab Government has already sanctioned from the beginning of this year an increase in the travelling and other allowances of all the subordinate members of the Police force of that province, and that the Local Governments are empowered by the Government of India. Finance Department to make, changes in the rate of travelling allowance in their respective provinces.

9. I have already stated that very grave uneasiness now prevails amongst Inspectors owing to the indequacy of their pay, and this feeling has been accentuated by the treatment which is meted out to them in the matter of Travelling Allowance. Pending a reconsideration of the question of pay, increments, and prospects of Inspectors, the Association has been strongly urged to submit to the Government the question relating to their Travelling Allowance.

10. I therefore, feel it incumbent upon me to impress upon Goverment at the time when the Finance Department is considering the question

of Travelling Allowance, the necessity of immediate relief in the matter and respectfully urge that it may receive the sympathetic consideration of the Government.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd) L. E. FARRANT, R. I.,
President,
United Provinces Police Association.

THE DUTY OF DISTRICT ASSOCIATIONS.

In spite of my repeated appeals to all the Districts of the Presidency, I am sorry to have to observe that many of them yet continue without a District Association of their own, while a few that do possess such, remain indifferent in the matter of affiliation with the Central. The cause we have undertaken to uphold bristles with obstacles at every turn, but, to speak the truth, I never dreamt that my own colleagues would add to these obstacles. I sincerely request all S. I's once again, to display at this momentous juncture, the higher virtues of forethought and organisation, and thus help me to retrieve the fair name of the Subordinate Police of the Presidency from charges levelled at them on the score of indifference and lack of justifiable ambition.

I reprint below two appeals made by Secretaries of two District Associations to their members to wake up and help the Central. May I hope that other districts also will work for the Central in a similar spirt?

APPEAL.—I
(TRICHINOPOLY)

The Sub-Inspector's Association, Trichinopoly, was formed on 30-1-21 to work for the common good of the Sub-Inspectors and to co-operate with the Central Association at Vellore as a representative body. A meeting was called for, for the 18th February last but no Sub-Inspectors responded. It was then proposed that each Sub-Inspector should pay a minimum donation of Rs. 2, and a monthly subscription of annas 8 so that our association may be kept agoing and our quota of help to the Central Association be sent, but there was no response in this respect either. The Secretary Central Association Vellore, *bitterly complains against our district and*

states that almost every other district has been rendering its monetary help to the central body and taking part in its meetings and discusssons. That association is doing yeoman service to our cause and the Secretary says that memorials are under preparation for submission to Government on behalf of every Sub-Inspector and copies will be sent for the signature of everyone of us here. Importaut questions about our pay and prospects have to be discussed and Government memorialised before it is too late. The meeting called for, for the 2nd instant was again very poorly represented and a copy of its proceeding is sent for your information. As the question has come to *one of 'now or never'* you are earnestly requested to attend the next meeting proposed to be held at 8 a. m. on 2nd proximo in the premises of the Police Club Trichy, and to represent your views. It is also hoped that you will go over there with your donation and subscriptions and redeem the present state of affairs.

APPEAL—II.
(GUNTUR)

To ALL INSPECTORS AND SUB INSPECTORS.

The Secretary, the Madras Presidency Sub Inspectors' Association has been asking all Sub Inspectors to get themselves enlisted as members of that Association, as they have not done so yet. Although all Sub Inspectors are in spirit members thereof they have still to get enlisted, formally. All Sub Inspectors have, therefore, to send requisitions to the Secretary of that association to that effect.

Also, as such a member, every Sub Inspector has to pay monthly subscription of 0-4-0 to that Association, which has nothing to do with that of our own District Association. All Sub Inspectors have to pay also the additional subscription at the time of receipt of their pay as, thus regular payment to the Presidency Association will be ensured.

The Presidency Association has started the Madras Police Magazine. It is a purely 'Police' journal. It will publish subjects which educate us as Police officers. It is published by the Presidency Association itself, at its own cost. It is bound to be eventually a luminous index of our advancement as Police Officers. The number for July has already been issued and others are to come out soon. The rate of subscription per annum is just now Rs. 6 but it may go down, as the Magazine stabilizes itself. It has been arranged that subscription for the current half-year should be paid in advance. All officers will, therefore, kindly remit a sum of Rs. 3 for the Magazine along with their monthly subscriptions for both the Associations.

Every officer is requested to give his kind and urgent attention to this matter, as otherwise the Presidency Association and the Police Magazine will not be a success.

M. V., and P. C. V. Joint Secretaries.

PROCEEDINGS OF THE SUB-INSPECTORS' ASSOCIATION, MADURA-RAMNAD DISTRICT BRANCH.

A general body meeting was held at Madura on 12th Nov. 1921 and the following resolutions have been passed.

1. "That the name be changed to 'Madura-Ramnad District Sub-Inspectors Association'."

2. That the present scale of pay of Sub-Inspectors who are according to the Police Commission equal in rank to Sub-Magistrates is quite inadequate and the pay should be raised from Rs. 125 to Rs. 200 with an yearly increment of Rs. 5 till Rs. 150 and Rs. 10 to Rs. 200."

3. "That the house-rent of Sub-Inspectors may be raised to Rs. 25 and treated as house alowance and drawn along with the pay".

4. "That the Sub-Inspectors of Police may be allowed to wear Sam Browne belt at their cost in lieu of constable's belt and long frog supplied to them at the cost of Government".

5. "That the Police officers may be exempted from the payment of municipal vehicle and animal taxes".

6. "That the conveyance allowance of Prosecuting Sub-Inspectors may be raised to Rs. 25."

7. "That the Police orders regarding salute may be modified as follows:—

"Subordinate Police Officers will salute only Police Officers higher in rank to themselves and Magistrates and Judges in Court".

R. S. VISWAM,
President.

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Proceedings of the meeting of Sub-Inspectors held in the Police Club at Trichy on 2nd November 1921.

Present:—M. R. Ry. N. Parthasarathi Aiyangar Avl., Inspector of Police, C. Circle.—Chairman.

2. Mr. T. K. Srinivasachariar, Karur.
3. „ Mohamed Miran Sahib, Inspector, Perambalur.
4. „ A. K. Subbiah, S. I of Police.
5. „ M. V. Krishnaiyar, do.
6. „ S. Rangasami Aiyangar, do.
7. „ K. S. Subramania Aiyar, do.
8. „ M. Nethiasikamani Pillai, do
9. „ T. V. Subramania Aiyar, do.
10. „ S. Ranjit Singh, do.
11. „ D. Israel, dc.
12. „ A. Sundaresaiyar, do.
13. „ V. Sundaresaiyar, do.
14. „ V. Harihara Aiyar, do.
15 „ A. Kuppuswami Ayyar, do.
16. „ M. Srinivasa Aiyar, do.
17. „ K. G. Krishna Aiyar, do.
18. „ S. Ramasubbiyar, do.
19. „ Malik Sahib, do.
20. „ R. Setnram Ayyar, do.
21. „ D. B. Rajagopal Naidu, do.
22. „ M. D. Kuppusami Aiyangar, do.
23. „ L. S. Venkatramaiar, do.

RESOLUTIONS :—

1. Resolved thnt the pay of Sub-Inspectors should be made to start from a minimum of Rs. 100, rising up to Rs. 175 in view of the fact that the Sub-Inspectors have to be always on duty, exposed to great risks, hardships and mental strain in these troublesome times. The present scale of 65—3—110 is quite inadequate and reduces their position to that of ordinary clerks. It was specifically held out in the Police Commission that the status of the Sub-Inspectors should be on a level with that of the Naib Tahsildars and Deputy Tahsildars on the Revenue side. Now that the Deputy Tahsildars' pay has been increased, it is but proper to expert

that the Sub-Inspectors' pay also should go up to that of the Deputy Tahsildars at least as far as the maximum pay is concerned.

2. Resolved that the Sub-Inspectors should be supplied with or allowed to wear Sam Browne's belt with long Swords as in the case of Sergenants.

3. Resolved by a majority that the use of Railway warrants by Sub-Inspectors for their Railway journeys should be made optional as in the case of Sergeants.

4. The maximum of house rent of Rs. 10, given at present to Sub-Inspectors is very inadequate in most cases, especially in Towns.

Resolved therefore that the maximum should be raised to Rs. 25 subject to local conditions.

5. Resolved that greater sympathy may be shown to Sub-Inspectors by officers by more constantly granting them interviews and offering them seats during such interviews.

6. At present entries in confidential sheets against subordinate officers are made without such officers being given an opportunity of knowing them and offering their own explanations. This is opposed to the spirit of P. O. 18 A. and 99 Vol. I.

Resolved therefore that such entries may be made after giving a hearing to the Officers concerned.

7. Investigation requires single minded devotion and anything contributing to distract the Sub-Inspectors from it spoils it. The drill and education of the men, charge of Government property and routine work of the Station should be left in the hands of the Station writer and the Gl. duty Head Constable, of course under the general supervision of the Sub-Inspector.

8. The mainteuance of horses by Sub-Inspectors should in no case be made compulsory. The mode of conveyance should suit the locality where the officer serves, An investigating officer going on horseback, unattended by men and unable to carry his personal requirements, feels standed till all those things arrive. He may therefore be allowed such conveyance as would enable him to combat those difficulties.

Resolved therefore that the present Horse allowance of Rs. 25 may be converted into conveyance allowance, allowing the Sub-Inspectors to keep their own conveyance.

9. The present conveyance allowance of Rs. 15 granted to the Prosecuting Sub-Inspectors is very low and was fixed when the Horse allowance of investigating Sub-Inspectors was fixed at Rs. 15. Now that the Horse allowance is raised to Rs. 25, it is all the more reasonable to expect their conveyance allowance also to be raised to Rs. 25.

Resolved therefore that the conveyance allowance of Prosecuting Staff be raised to Rs. 25.

10. The existing rule of three—nights' halts within Circle to make Sub-Inspectors and men eligible for drawing T. A. is likely to make them stay on unnecessarily for 3 nights and since they have also to spend for each day of their halt, it is resolved that this rule may be relaxed and the general rule as per C. S. R. followed.

11. A police officer is looked down upon by the general public while he is in service and is often the butt of a good deal of hostile criticism from outside, After retirement, unlike the medical man, the Engineer, the Forest and the Revenue services, he has no opening for service as relief in his old age. His abundant experience of Criminal Law acquired in his active career, richly qualifies him to be a legal practitioner in Criminal Courts. His interest and that of the Government will be well served by his being given a place in the Bar,

Resolved therefore that Subordinate Police Officers retiring after an approved service of at least 15 years may be given sannads to practice in all Criminal Courts.

12. Resolved also that in view of the extraordinary mental and physical strain of a Police Officer, he may be permitted to retire after 20 years' service, on full pension.

13. Resolved that the Secretary be authorised to send copies of the above resolutions to the Superintendent of Police and other Officers and to the Secretary, Central Assoiciation Vellore.

(Sd). PARTHASARATHI AIYANGAR,

Chairman.

2—11—21

EDITOR'S MEMORANDA.

WELCOME TO HIS ROYAL HIGHNESS:

Though late in the day, yet none the less is our Welcome to His Royal Highness the Prince of Wales, sincere and whole-hearted. His Royal Highness comes to visit India with a great reputation for open, heart-felt sympathies, a wide understanding and captivating *bon homie.* His triumphant progress till now has splendidly borne out the fame that has already preceded him. One touch of nature makes the whole world kin, sings the poet: and the trivial fact of His Royal Highness hurrying from the midst of his courtiers, during the races at Poona, to join the huge multitude that thronged in the grounds outside, to greet and to be greeted by them, speaks volumes for his bright, trustful heart, which India is eminently fitted to respond to and to appreciate. On the morning of the 17th inst., many of us assembled in the premises of the Association office to draft and send to H. R. H. a telegram of Welcome and loyal devotion. The message runs as follows:—

To EARL CROMER,

Chief, Prince of Wales staff, Bombay.

"Madras Police Sub Inspector's Central Association, Vellore, most humbly conveys to His Royal Highness hearty welcome to India and respectfully assures heartfelt loyalty, sense of duty and devotion, and prays for a happy, healthy and prosperous our thoughout continent."

This message was dispatched from here in time to greet H. R. H. when at 10-30 A. M. on the 17th he was to land in Bombay. A Police Home also, to serve the needs of Police officers visiting Vellore for a day or two was opened during the day, and named "the Prince oi Wales Police Home" to commemorate the great event of the Royal visit. On the morning of the 22nd instant, we were honored by the receipt of the following reply of acknowledgment from H. R. H.

From H. A. F. METCALFE, Esq., I. C. S.,

Assistant to the Chief Secretary to,

His Royal Highness the Prince of Wales.

To THE SECRETARY,

Madras Police Sub-Inspector's,

Central Association Vellore.

No. 174 dated H. R. H. the Prince of Wales' camp, 20th November 1921:—

Sir, I am commanded by His Royal Highness the Prince of Wales to acknowledge your telegram of 17th November 1921, and to convey His Royal

Highness' thanks to the members of the Madras Police Sub-Inspector's Central Association, Vellore, for their loyal message of welcome.

I have etc.,

(Sd.) H. A. F. METCALFE

WHAT WE EXPECT NOW :—His august father, our present Emperor, has evinced the deep interest he takes in the Police force in India by instituting the Kings' Police Medal, than which there is no higher distinction for any Police Officer. In fact, it is the Policeman's Victoria Cross. May we hope that His Royal Highness, to commemorate his gracious visit to India, will announce during his stay a few boons for the granting of which, each member of the force is eagerly expectant, ever since it was known His Royal Highness would set his foot on Indian soil at an early date? The crying needs of the Indian Police are succinctly:—(1) Imperialisation from one corner of India to the other, from the ranks of station House Officers upto Deputy Superintendents; (2) Their recognition as Gazetted Officers; (3) The raising up of pay, status etc., to the level of Tahsildars and Deputy Magistrates of the Revenue and Judicial Departments; and (4) lastly, the granting of direct representation in the Legislative bodies of British India at the rate of two for each Province—one to represent Sub-Inspectors and Inspectors, and the other Deputy Superintendents and above.

THE BRITISH INDIA POLICE MAGAZINE: The British India Police Association of Lucknow, has recognized, as we ourselves did much earlier, that the only cement between the units of an association, is a periodical be it a daily, a weekly, a monthly or a quarterly. After earnest canvassing for some months, they have issued their first number for the month of October last, and we hasten to congratulate the Association and its talented Editor on the production of this very substantial first number. The make it the organ of all class of Police Officers, it has been decided to publish editions in Hindi and Urdu- the three editions together not costing more than Rs. 14 per annum. The English Journal is supplied for Rs. 6 per annum just as ours is. But we are afraid that both of us will find at no distant date that it is next to impossible to make our journals self supporting on the present basis, unless members of the Police force come generously forward to give us each a Press of our own. We find that the far-sighted President of the B I. P. A. has already realised this, and he is appealing to the members to help him to float a joint-stock concern with a capital of Rs. 50.000, divided into 10,000. Shares of Rs 5 each. Even if every Police Officer in British Indian. may, in Native States also, goes in for a single share as matter of donation, the capital required would be subscribed three times over.

Coming to the number itself, the contents are mainly concerned, with providing definite knowledge about the constitution, personnel, etc., of the

different Provincial Associations including a detailed account with bye-laws of the parent Association itself. This knowledge is necessary for every Police officer. There is a Law Branch also, though for wnat of room, only two important cases are reported. There are verp many vital matters published in the Journal which we hope to make use of at an early date.

We wish the British India Police Magazine, a long career of splendid utility and service.

Our Exchanges : We are very grateful to the Editors of the following periodicals for their prompt willingness in Exchanging their valuable and costly Journals with ours :—

MONTHLIES.

1. The British India Police Magazine—Lucknow.
2. The Kalpaka—Tinnevelly.

WEEKLIES.

1. The Englishman—Calcutta
2. Doodles' Weekly—Madras
3. United India and Indian states—Madras.
4. The Wednesday Review—Trichy.
5. The Hindu Message—Tricy,
5. The Servant of India—Poona.
7. The Indian Social Reformer—Bombay.

TRI-WEEKLY.

1. The West Coast Reformer—Calicut.

BI-WEEKLY.

1. Truth—Bangalore.
2. Amrita Bazaar Patrika—Calcutta.

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PART II

REPORTS AND DECIDED CASES.

Raja NORENDRA LAL KHAN—Petitioner

versus.

AKHOY KANDAR and others—Opposite Party.

Continued from P. 16.

referred to are, (1) that of Mr. Jagat Chandra Mitra, and (2) that of the First Additional Special Judge of Midnapur. The case of the petitioner is, that the opposite party filed a *kobala* during the hearing of an application made by the petitioner against the opposite party under section 105 of the Bengal Tenancy Act. The case was heard by Mr. Rajendra Nath Rakhit, who found the *kobala* to be a forgery. The said Mr. R. N. Rakhit is described in the petition as an "Assistant Settlement Officer," the more correct description would be "Assistant Revenue Officer," the term used in section 105 of the Bengal Tenancy Act. The petitioner applied to Mr. R. N. Rakhit for sanction to prosecute the opposite party under section 193, 465 and 471, Indian Penal Code.

Mr. Rakhit was on the point of going to Jessore, he having been transferred to that place, and he consequently did not take any action.

Application was then made to Mr. K. C. Ganguli, who was then acting as the Revenue Officer; he transferred the application to an Assistant Revenue Officer in the District of Midnapur, Mr. J. C. Mitra, who dismissed the application, holding that he had no jurisdiction to deal with it. He directed the applicant to move the proper Court for the sanction asked for and further directed the petition to be filed. The petitioner then made an application to the First Additional Special Judge of Midnapur, who, on the 24th July 1910, dismissed the application on the ground that the application to him was not by way of appeal, but was a substantive application, and that as sanction had been neither given nor refused by the Subordinate Court, he held that the application was not maintainable.

It is clear that the application to the Addittional Special Judge was a substantive application and was not by way of appeal and the question is, whether the Additional Special Judge has jurisdiction to entertain the application.

The statutory provision which applies to this matter is section 195 (c) of the Code of Criminal Procedure, 1898, which provides as follows:—"No Court shall take cognizance............... of any offence described in section 463 or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a

document produced or given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate."

It is not disputed that Mr. R. N. Rakhit, who heard the case under section 105 of the Bengal Tenancy Act, was a Court within the meaning of section 195 (c) of the Code of Criminal Procedure. Mr. R. N. Rakhit's Court, however, ceased to exist when Mr. R. Rakhit was transferred to Jessore. It was agreed by the learned Vakils, appearing for the respective parties on the hearing of this Rule. that Mr. J. C. Mitra could not be said to be a successor of Mr. R. N. Rakhit and they further agreed that Mr. J. C. Mitra had no jurisdiction to grant the sansction to prosecute, which the petitioner applied for on the ground that the proceedings under section 105 of the Bengal Tenancy Act, in the course of which the *kobala* had been put in evidence, had not been taken in his Court.

There is no doubt that the Court of the Additional Special Judge was a Court to which the Court of Mr. R. N. Rakhit and that of Mr. J. C. Mitra were subordinate within the meaning of section 195 (c), but it was argued that the Additional Special Judge could not entertain the application, as it was a substantive application for sanction and an application in respect thereof could only be entertained by the Additional Special Judge after sanction had been given or refused by a subordinate Court. In this case the subordinate Court was Mr. R. N. Rakhit, he had declined to take action as he had been transferred to Jessore and was going to make over charge and proceed to Jessore on the day on which the application was made to him. Therefore, if the ruling of the Additional Special Judge was correct, there was, at the time the application was made to him, no Court capable of dealing with the application for sanction.

In my judgment, the judgment of the Additional Special Judge should not be upheld. The words of the section show that the Legislature has not confined the power of granting sanction to the court before which the alleged offence was committed, but has conferred it on that Court and any other Court to which that Court is subordinate, and the contention that sanction can only be given by a superior Court when the subordinate Court has dealt with the application for sanction and has either granted or refused the application would be to import into the Act a condition which I do not find there, and there is nothing in the Act itself which would justify me in introducing such a condition.

There is no doubt that, ordinarily, application for sanction to prosecute under section 195 (c) of the Code of Criminal Procedure in respect of an offence alleged to have been committed by a party to a proceeding in a Court in respect of a document produced or given in evidence in such proceeding should be made in the first instance, to the Court in which the proceeding was taken.

In this case, the application was made in the first instance to Mr. R. N. Rakhit, who declined to take action, for the reason already stated; and the

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Court constituted by him ceased to exist on his transfer to Jessore : under these circumstances, in my judgment, the Additional Special Judge, being the Court to which Mr. Rakhit's Court was subordinate, had jurisdiction to entertain the application for sanction, under section 195 (c) of the Code of Criminal Procedure, and in my judgment the Rule should be made absolute to the extent that the order of the Additional Special Judge should be set aside and the matter should be remitted to the Additional Special Judge in order that he may hear the application and disposed of it on the merits.

The Additiodal Special Judge in coming to his conclusion seems to have relied upon the case of *Emperor* v. *Molla Fuzla Karim* (4).

The decision in that case must be read having regard to the facts of the case ; the contention in the case which is material to the present case, was stated in the judgment as follows :—"It is further suggested that, in the circumstances, an application should have been made to the Original Side of this Court aa the Court to which the Small Cause Court is subordinate." The material circumstances in that case were that the suit, which was alleged to have been a false one, was tried by Mr. Dobbin, the then Registrar of the Small Cause Court. Mr. Dobbin left the country on leave ; application was made to the Officiating Chief Judge of the Small Cause Court for sanction to prosecute the petitioner under section 209 and 210 of the Indian Penal Code. The learned Chief Judge granted sanction. It was admitted that Mr. Dobbin could have granted sanction but it was argued that, as he was absent, no other Judge of the Small Cause Court could do so. This argument the learned Judges in the High Court rejected and held that the learned Chief Judge had jurisdiction to grant the sanction. It was, having regard to the above-mentioned circumstances, that the learned Judges said, an application can only be made to the superior Court after sanction has been given or refused by the subordinate Court."

In my judgment, the learned Judges did not intend to decide that, under no circumstances could the superior Court grant sanction, unless the sanction had been given or refused by the Subordinate Court.

In my judgment, the present case, the facts of which show that the subordinate Court had ceased to exist at the time the application was made to the Additional Special Judge by reason of Mr. R. N. Rakhit's transfer to Jessore, and that no application should then be made to the subordinate Court, is not covered by the case cited.

The Rule is made absolute to the extent already mentioned and the matter is remitted to the Additional Special Judge so that he may dispose of the application on its merits.

Mookerjee, J.—I agree that this Rule must be made absolute and ther matter remitted to the Special Judge for consideration of the application fo sanction on the merits.

Section 195, sub-section (1) clauses (*b*) and (*c*) contemplate the grant of sanction by the Court where the alleged offence has been committed, or by some other Court to which such Court is subordinate. If we strictly interpret the words of the Statute, it follows that *prima facie* the subordinate and superior Courts have concurrent jurisdiction in this respect. It has been decided, however in a long series of cases that, as a general rule, the application for sanction should be made to the Court before which the alleged offence was committed, and that, in the absence of exceptional circumstances, the superior Court should not allow its authority to be invoked in the first instance. This principle was enunciated so far back as 1872, with respect to section 169 of the Criminal Procedue Code (Act XXV of 1861), in the case of *Sheebpershad Chukerbutty, In re* (1) where Markby, J., observed that, although either the High Court or the Subordinate Court before which the case was heard was empowered to authorise the prosecution for perjury, it was undesirable for the superior Court to entertain such an application in the first instance. Not that the Superior Court had no power to do so; it has full discretion in the matter; but except under very peculiar circumstances, the application should be made, in the first instance at any rate, to the Subordinate Court. The same view was maintained with regard to section 469 of the Criminal Procedure Code (Act X) of 1872, in the case of *Barkatullah Khan* v. *Rennie* (2) where Turner, C. J., observed that the Legislature had not confined the power of sanction to the Court before which the offence had been committed, but had vested that Court and any other Court to which that Court was subordinate, with independent powers of sanction. In this view, it was ruled that although, in practice, a superior Court should refuse to entertain the application until it was shown that an application had been made to the subordinate Court and had been refused by that Court, it could not be maintained as an inflexible rule of law that sanction could only be given by a superior Court, when the case in which the offence was committed came before it in appeal. To accede to such a proposition would be to import into the Statute a condition neither explicitly formulated there nor warranted by any other provision. The same view was taken with regard to section 195 of the Criminal Procedure Code (Act V) of 1898, in the case of *Palaniappa Chetti* v. *Annamalai Chetti* (3) in which it was ruled that under clauses (*b*) and (*c*) of the sub-section (1), the sanction might be accorded in the first instance by the Court to which the Court in which the offence was committed was subordinate, even though no application for sanction had been made to the latter Court. The decision in *Emperor* v. *Molla Fuzla Karim* (4) does not militate against the construction which has thus been uniformly placed on the provisions of the Criminal Procedure Code relevant to this matter. The observation in the judgment in that case, that "an application can only be made to the superior Court after sanction has been given or refused by the subordinate Court," cannot be isolated from the context and cannot be treated as the formulation of a new rule of law restrictive of the provisions of the Statute. In the case before us, as the Court of the Revenue Officer in which the alleged offence was committed was abolished, when the special work for which it had been created came to an end, the application under section 195

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could not possibly be made in that Court. This fact constituted, in my opinion, such an exceptional circumstance as to justify the exercise of jurisdiction by the superior Court in the first instance. However expedient it might have been, that the application for sanction should, in the first place, be made to the Court in which the alleged offence was committed, if that Court had continued to exist, the adoption of that course was rendered impossible by its abolition. Consequently, it became incumbent on the superior Court to deal with the original application which would otherwise have been presented to the primary Court in the first instance.

Rule made absolute.

S. C. 61. Ind. Cas. 162. Cr. L. J. Vol. XXII p. 338.

MADRAS HIGH COURT.

FULL BENCH.

Civil Revision Petition No. 150 of 1918.

February 17, 1919.

Present:—Sir John Wallis, Kt., Chief Justice,

Justice Sir William Ayling, Kt., and Mr. Justice Kumaraswami Sastri.

In re PADMANABHA HEBBARA—3rd Accused—Petitioner.

Criminal Procedure Code (*Act V of* 1898), *ss.* 195.

[Where the commission of an offence is detected by a court soon after the termination of the judicial proceeding in the course of which it was committed, when the facts are still fresh in the mind of the judge, he cannot sanction the prosecutiou of the offender under section 476 of the Cr. Pr. Code.]

Petition presented under section 476 of the Criminal Procedure Code and section 115 of Act V of 1908, praying the High Court to revise the order of the Court of the District Munsif, Kundapur, dated the 12th November 1917, in Disposal No. 2294 of 1917, in Small Cause Execution Petition No. 714 of 1917.

This petition coming on for hearing on the 23rd September 1918 and the case having stood over for consideration till the 1st October 1918, the Court (Phillips and Napier, JJ.) made the following

ORDER OF REFERENCE TO A FULL BENCH.

This is a petition to revise the order of the District Munsif of Kundapur, directing the prosecution of the petitioner for offences under sections 193, 463, 466, 468 and 471 of the Indian Penal Code. The order was made under section 476 of the Cri-

minal Procedure Code. The offences are alleged to have been committed with reference to a decree used as genuine in Small Cause Execution Petition No. 714 of 1917 before the District Munsif, which decree is found by the District Munsif in this order to be a forgery. Those proceedings had terminated on 11th September 1917 in an order on the footing that the decree was genuine. The District Munsif states in the order under review that "within a few days of the closing of the above execution proceedings" the fact of the forgery of the decree was discovered and the present proceedings were instituted by him to ascertain if there was a *prima facie* case against the persons concerned. In the result he passed this order. It is argued before us that the proceedings having terminated, he has no jurisdiction to pass the order. It has been finally decided by a Full Bench of this Court in *Aiyakannu Pillai* v. *Emperor* (1) that these orders must be passed in the course of the judicial proceeding or so shortly thereafter as to make it the continuation of the same proceeding, and if this proposition was intended by the Full Bench to be of universal application the petitioner's contention must succeed. But we have doubts whether this view is correct. The reference to the Full Bench in *Ayyakannu Pillai* v. *Emperor* (1) was whether, "on the facts stated before us, the order was made without jurisdiction." The facts were, *vide* page 50*, that judgment was delivered on 8th October, that the District Judge acting *suo-moto* issued notice on 29th October and that the record gave no reason for his not taking action between 8th October and 29th October. The offence came to his notice during the proceedings terminating on 8th October. In the present case no offence was brought to the notice of the District Munsif until after the proceedings terminated and the reason for not taking action before is, therefore, apparent. This state of facts was not, therefore, before the Full Bench and the actual ruling does not in terms apply, though the *dicta* of the learned Judges are wide enough to cover this case. The possibility of a case of necessary delay seems to have been suggested by the (present) learned Chief Justice in *Rahimadulla Sahib* v. *Emperor* (2), but he is there dealing with English practice: and the actual facts of this case were imagined by Miller, J., in *Aiyakannu Pillai* v. *Emperor* (1) and he was of opinion that an order might be passed, but as he was the dissentient Judge his opinion cannot be treated as authoritative. The principle underlying the Full Bench decision not applying, we see no reason why an order under section 476 of the Criminal Procedure Code should not be passed in these circumstances, but in view of the language of some of the Judges on the scope of the section, we decide to refer to a Full Bench the following question:—'Where the commission of an offence has been discovered by a Court after the judicial proceedings have terminated but at a time when the facts were fresh in the mind of the judge, can he pass an order under section 476 of the Criminal Procedure Code?'

This petition came on for hearing in pursuance of the Order of Reference to a Full Bench.

Mr. *G. Annaji Row*, for the Petitioner.—The question is covered by the Full Bench decision in *Aiyakannu Pillai* v. *Emperor* (1) The section is express, for it says "in the course of a judicial proceeding", which can never mean "after the proceedings have ended." *Aiyakannu Pillai* v. *Emperor* (1) only adopts the ruling of an earlier Full Bench in *Rahimadulla Sahib* v. *Emperor* (2).

(1) I Ind. Cas. 597; 32 M. 49; 19 M. L. J. 42; 4 M. L. T. 404; 9 Cr. L. J. 42 (F. B.)
(2) 31 M. 140 at p. 146; 7 Cr. L. J. 54; 17 M. L. J. 584; F. B.): 3 M. L. T. 79.
*Page of 32 M.—*Ed.*

Mr. *E. R. Osborne* (Public Prosecutor), for the Crown.—The use of the forged document was in the course of a judicial proceeding within the meaning of section 476, Criminal Procedure Code, as construed by the decisions. It is sufficient if the act is done in the course of the proceeding, even though the discovery of its commission is not strictly before the termination of the Proceedings but shortly after. *Aiyakannu Pillai* v. *Emperor* (1) fully warrants such a position.

[WALLIS, C J.—But is the test laid down in *Rahimadulla Sahib* v. *Emperor* (2) satisfied in this case ?]

Yes. It is, however, a question of fact to be determined in each case whether the proceedings have terminated. If the Judge could have taken action but did not, that would make a difference. But he acted immediately on his acquiring "knowledge" of the commission of the offence. *Aiyakannu Pillai* v. *Emperor* (1) does not regard knowledge as very important. The Judges there consider it to be immaterial whether action under section 476 was in the course of or subsequent to the judicial proceedings.

[KUMARASWAMI SASTRI, J.—They treat both as on the same footing.]

[WALLIS, C. J.—So far as the present case is concerned, the order of Reference assumes that proceedings had terminated.]

It is so.

OPINION.

WVLLIS C. J.—In this case the facts first came to the notice of the Court after the judicial proceedings before it had terminated, but that I think is not enough to take the case out of the authority of the Full Bench decision of five Judges in *Aiyakannu Pillai* v. *Emperor* (1) which confirmed the earlier ruling in *Rahimadulla Sahib* v. *Emperor* (2). I would answer the question in the negative.

AYLING, J.—If the matter were *res integra*, I should concur in the view expressed by Miller, J., in *Rahimadulla Sahib* v. *Emperor* (2) and *Aiyakannu Pillai* v. *Emperor* (1). But, sitting as a member of the present Bench, I feel bound by the opinion of the Full Bench of five Judges in the last named case. I do not think the order in the present case can be treated as a valid one within the spirit of those rulings.

I, therefore, agree to the answer proposed.

KUMARASWAMI SASTRI, J.—I agree with my Lord and would add that in cases like the present it is open to the Court to act under section 195 of the Criminal Procedure Code and direct an officer to file a complaint.

M. C. P.

Question answered in the negative

MADRAS HIGH COURT.

CRIMINAL APPEAL No 500 OF 1918.

CRIMINAL REVISION CASE No. 235 OF 1918.

CASE REFERRED No. 35 OF 1918.

November 27, 1918.

Present:—Justice Sir William Ayling, KT., and Mr. Justice Krishnan.

THE PUBLIC PROSECUTOR—APPELLANT

versus

SENNIMALAI GOUNDAN—Accused.

Penal Code (Act XLV of 1860), s. 225B—Escape from custody—Consent of custodian, effect of—offence.

An escape from lawful custody is nonetheless an offence under section 225B, even though the escape was effected with the consent of the custodian.

[For the purposes of the section, the consent and neglect of the custodian are placed on the same footing.]

Appeal, under section 417 of the Code of Criminal Procedure, 1898, against the acquittal of the aforesaid accused by the Sub Divisional First Class Magistrate, Coimbatore, in Criminal Appeal No. 15 of 1918 on his file, preferred against the judgment of the Taluq 2nd Class Magistrate, Avanashi, in Calendar Case No. 18 of 1918 on his file, and case referred for the orders of the High Court under section 438 of the Code of Criminal Procedure by the Sessions Judge, Coimbatore, in his letter dated the 26th March 1918.

The Public Prosecutor, for the Appellant.

JUDJMENT:—We are bound by the authority of *Queen Empress* V. *Muppan* (1) and *Public prosecutor* V. *Ramaswami Konan* (2), both of which place the consent and neglect of the custodian on the same footing. These rulings have been distinguished by Krishnasami Aiyar, J., in *Public Prosecutor In re* (3), but with all respect we do not think the ground of distinction is sound.

We may refer to the wording of section 221 of the Indian Penal Code as illustrative of the meaning to be given to the word " escape" in section 225*B*. Section

(1) 18 M. 401; 1 Weir 203; 6 Ind. Dec. (N. S.) 628.
(2) 31 M. 271; 8 Cr. L. J. 200; 18 M. L. J. 540.
(3) 7 Ind. Cas. 392; 8 M. L. T. 286; 11 Cr. L. J. 477; (1910) M. W. N. 592. S. C. 49, Ind. Cas 656.

21 speaks of a public servant who "intentionally suffers such person to escape." This strongly suggests that an escape is nonetheless an escape, though effected with the consent of the custodian.

Under the terms of the warrant in this case, the process-server was only authorised to release the judgment-debtor on actual receipt of the decree amount.

We must set aside the order of the Sub-Divisional Magistrate and restore the conviction; but we reduce the sentence to the term of imprisonment already undergone which is, in our opinion, sufficient.

Conviction restored.

MADRAS HIGH COURT.

REVISION PETITION NO. 280.

(October) of 1918.

PRESENT.—Mr. Justice Kumarasawmy Sastri.

KURCHETI VENKATASUBBAYYA—PETITIONER.

VERSUS.

EMPEROR—RESPONDENT.

Cr. Pr. Code Sec. 476.

[Section 476 of the Cr. Pr. Code does not limit the power of sanctioning the prosecution to the officer disposing of the case : his successor in office can continue the proceedings and direct the prosecution.]

Petition, under section 115 of Act V of 1908 and Section 107 of the Government of India Act, praying the High Court to revise the order of the Court of the District Munsif of Ongole, dated the 2nd March 1918, in Small Cause Suit No. 440 of 1916.

Mr. P. *Chenchiah*, for the Petitioner.

The Public Prosecutor, for the Crown.

ORDER.—The plaintiff (petitioner) filed a suit on a promissory note. He got an *ex parte* decree which was set aside. He did not proceed with the suit and the District Munsif, on the plea of the defendant that the endorsement of payment was a forgery and that the amount of the note was altered, dismissed the suit. On the date of dismissal, 5th February 1917, the District Munsif instituted proceedings under section 476 of the Crimnal Procedure Code. He took evidence and reserved passings orders, but did not pass any orders though the enquiry was closed on 6th

September 1917. He handed charge to his successor on 1st February 1918 and order was passed on the 2nd March 1918 directing petitioner's prosecution.

Various objections have been taken to the legality of the order. The first is that the successor of the Munsif who passed orders had no jurisdiction to do so. There is nothing in the Criminal Procedure Code limiting the power to direct prosecution under section 476 to the officer who disposes of the case. As pointed out in *Ranga Ayyar* v. *Emperor* (1), where a similar objection was taken, the power to act under section 476 is given to the Court and not to the individual officer presiding over it. In *Rati Jha* v. *Emperor* (2) it was held that a sanction granted by the successor-in-office of the Judge or Magistrate before whom the offence was committed was valid. Reference has been made by Mr. Chenchiah to *Begu Singh* v. *Emperor* (3), where a Full Bench of the Calcutta High Court held that the powers conferred by section 476 can only be exercised by the Judge who tries the case. This decision has been dissented from by the Bombay High Court in *Lakshmidas Lalji, In re* (4) and is opposed to the ruling of the Madras High Coutt in *Runga Ayyar* v. *Emperor* (1), which I sitting as a single Judge am bound to follow.

It has been next contended that, as the Munsiff who instituted proceedings under section 476 closed the case without passing orders and as his successor re-opened proceedings by issuing fresh notice to the parties, the latter must be deemed to have instituted proceedings *de novo* in February 1918. Reliance has been placed on *Aiyakannu Pillai* v. *Emperor* (5) to show that the proceedings taken by the succeeding District Munsif are invalid. All that was decided in that case, was that the powers conferred by section 476 can be exercised by the Court "only in the course of the judicial proceeding or at its conclusion or so shortly thereafter as to make it really the continuation of the same proceeding in the course of which the offence is committed." It is no authority for the proposition that if proceedings are commenced so as to satisfy the above requirements, sanction will be invalid if there is unresonable delay in the passing of final orders. In the present case the delay by the District Munsif who initiated proceedings is very great and, If I may say so, inexcusable but I do not see how the proceedings can be void for that reason. It is, of course, open to the petitioner to prove that he has been prejudiced by the delay and that sanction ought to be revoked on that ground, as it seems to me a scandal, that proceedings under section 476 should have been pending against petitioner from 5th February 1917 to the 2nd March 1918.

(1) 29 M. 331; 4 Cr. L. J. 175.

(2) 14 Ind. Cas. 201; 39 C. 463; 16 C. W. N. 623; 15 C. L. J. 509; 13 Cr. L. J. 201.

(3) 34 C. 551; 5 C. L. J. 508; 11 C. W. N. 568; 2 M. L. T. 298; 5 Cr. L. J. 398 (F. B.)

(4) 32 B. 184; 10 Bom. L. R. 28; 3 M. L. T. 116; 7 Cr. L. J. 35..

(5) 1 Ind. Cas. 597; 32 M. 49; 19 M. L. J. 42; 4 M. L. T. 404; 9 Cr. L. J. 41 (F. B.)

Mr. Chenchiah states that an important witness has been gained over by the defendant and it appeers from the affidavit of the pleader who appears for the petitioner in the lower Court that this is so. Having regard to the long delay I am of opinion that it is not in the interests of justice that proceedings under section 476 should be taken.

I, therefore, set aside the order.

Order set aside.

S. C. 49. Ind. Cas. 492.

ALLAHABAD HIGH COURT.

CRIMINAL REVISION NO. 842 OF 1918.

February 15, 1919.

PRESENT:—Mr. Justice Piggott and Mr. Justice Walsh

JAI NARAIN AND OTHERS—ACCUSED—APPLICNATS.

VERSUS

EMPEROR—PROSECUTOR.

Public Gambling Act (III of 1867), ss. III, IV—Keeping Common gaming house—Friendly game during Dewali festival.

Accused were found gaming with *cowries* on the night of the Diwali festival in the house of accused No. 1. It was not proved that he got any sort kind of profit from the use which was being made of his room, or that the room had on previous occasions been used for the purpose of gaming.

The accused could not be convicted of any offence under section 3 or section 4 of the Public Gambling Act.

A Magistrate is not justified in importing any personal opinion which he might have had occasion to from regarding the personal character, or the general reputation of a witness for the prosecution, in his Judgment.

Criminal revision against an order of the First Class Magistrate Cawnpore.

JUDGMENT.

PIGGOTT, J:—These are applications in revison by Jai Narain and 15 other persons against an order by a First Class Magistrate of Cawnpore. Jai Narain has been convicted of keeping a common gaming house under section 3 of the Public Gambling Act, III of 1867, while the remaining applicants bave been convicted under section 4 of the same Act of having been found in the house

kept by Jai Narain playing or gaming with cowries. It is an admitted fact that, on the date specified in the charge, when the then Kotwal of Cawnpore, Munshi Baqar Ali, proceeded to a house in the city of Cawnpore belonging to Jai Narain, he found the said Jai Narain and the remaining applicants in a room of that house engaged in playing or gaming with Cowries. The question whether these convictions are or are not justified turns entirely upon the question whether or not, on the said occasion the applicant Jai Narain was making a profit out of the gambling which was going on there. The case for the prosecution is that he was doing so by taking a percentage on the winnings. The case for the defence is that, the day in question being the first day of the Dewali festival, the applicants were engaged in a friendly game, in the course of which there was no idea of paying a percentage on the winnings to Jai Narain, or of Jai Narain's deriving any sort or kind of profit from the use which was being made of his room. The Joint Magistrate has no doubt appreciated this point, has directed his mind to it and has arrived at a conclusion adverse to the applicants. When it came to weighing the evidence on both sides, and it may be remarked that there was a great deal of conflicting evidence bearing in the main question in issue, the Court was necessarily invited to consider a further point. The action of Munshi Baqar Ali Khan had been taken on information given him by one Mangan, a disreputable person who had himself been convicted of keeping a common gaming house not long before. Mangan had given the information, on the strength of which a search warrant was eventually issued on the previous day, that is to say, before any date on which the Dewali festival can be said to commence. He gave evidence at the trial and, according to his evidence at the trial and, according to his evidence, the room in which the applicants were found had been used on previous occasions as a common gaming house for the profit of Jai Narain. That is to say, according to the evidence of Mangan, Jai Narain wos not merely making a profit out of the use of his room by a number of persons who would not ordinarily think of frequenting a common graming house, and had assembled at that time and place for the purpose of indulging in a game of chance in connection with the ordinary observance of the Dewali festival, but on the contrary was in the strict and literal sense of the words "the keeper of a common gaming house," to which the public were in some way or other invited to resort independently altogether of the Dewali observances. The question whether Mangan was or was not speaking the truth on this point was only incidentally in issue. He might have been lying and the defence might have been speaking the truth, when they said that this particular room had never been used for that purpose before, that they would none of them have thought of resorting to it for the purpose of gaming but for the fact that the night in question was the 1st of Dewali festival, and yet the case for the prosecution might be so far true that Jai Narain by making a profit out of the use which he permitted to be made of his room had converted himself for the occasion into the keeper of a common gaming house, had transgressed the law and had involved all the remaining applicants in the criminal liability which he thereby incurred. Nevertheless the question whether Mangan was or was not speaking the truth about the previous

uses of this room for gaming purposes was highly important one from two different points of view. Obviously it affected in a very crucial manner the credibility of the evidence given by Mangan on the one side and by a number of defence witnesses on the other. Besides, this it had a very definite bearing on the question of the validity of the warrant under which the house was searched and on the applicability of the provisions of section 6 of the Public Gambling Act to the facts of the case. If the defence is true to this extent at any rate, that the room had never previously been used for gaming purposes, then the informatien given by Mangan before the date of the search that the room was being used as a common gaming house was false information and the question whether the District Superintendent of Police was justified in treating the information which reached him through Munshi Baqar Ali from Mangan as credible information becomes a more difficult one then it would otherwise be if the Court were satisfied that the information given by Mangan had been in fact true. After carefully considering the judgment recorded by the learned Joint Magistrate, I cannot resist the conclusion that he has decided this case without really making up his mind as to whether or not Mangan was speaking the truth regarding the previous uses of this room and that, when he came to the question of passing sentence, he felt himself under a moral obligation to give the accused Jai Narain at least the benefit of the doubt that this part of Mangan's story was not true. If he had not done this, I should find it difficult to understand how he considered a fine of Rs. 20 an adequate punishment for the offence of which he found Jai Narain guilty.

Apart from these considerations, which seems to me important, there are two passages in the judgement of the Court below, to which I take strong exception. After noting the fact that the accused strongly impeached the credibility of some of the evidence given by Munshi Beqar Ali and in fact contended that some of his evidence was, as the Joint Magistrate puts it, deliberately false, he goes on to say: "No one who knows the D. S. P. and the extraordinarily high reputation he enjoys for truthfulness and honesty can credit this." I understand from another passage in the judgement that Munshi Baqar Ali has since been promoted to the post of Deputy Superintendent of Police and that initials "D. S. P." in this portion of the judgment refer to this fact, as they undoubtedly must be taken to refer to the evidence given by Munshi Baqar Ali. The Joint Magistrate was in no way justified in importing any personal opinion which he might have had occasion to form regarding the personal character, or the general reputation, of the principal witness for the prosecution into his decision of the case, or in putting it forward as a reason for refusing to believe the evidence laid before him on behalf of the accused. The other passage in the judgment to which I take exception runs as follows. "The accused have made a great deal out of nothing, and I cannot approve of their undignified missions to District Officials with the offer of large charities in return for the withdrawal of the case." This is a reference to something which, so far as I can ascertain from the record, was not in evidence, and which as it seems to me could not be legally in evidence in the case. It may be suggested that the words occur in a

passage in the judgment where the Court, after having recorded its conclusions of fact· is merely proceeding to discuss the question of sentence. I desire to make all reasonable allowance for this, but I must say that in my opinion the accused persons in a case of this sort, and particularly in view of the fact that they were being tried summarily, were entitled to have the question of their guilt or innocence determined by a Court the presiding officer of which was not aware of any negotiations which may or may not have been attempted on behalf of the said accused with a view to obtaining a withdrawal of the prosecution· It makes it worse to my thinking that this fact was so clearly present to the mind of the Joint Magistrate that he could not keep it out of the concluding portion of his judgment·

For these reasons I feel no hesitation in saying that we ought to set aside the conviction and the sentences in this case in respect of all the applicants· When we have done this, the further question, no doubt, arises whether we ought or ought not to order a re-trial. I mention this fact to show that it has been considered by us We have examined the record as it stands and taken into consideration the arguments addressed to us, more particulary with a view to enabling us to arrive at a conclusion whether the interests of justice require the re-trial, either of Jai Narain alone, or of all the applicants· I do not think it in any way incumbent upon us once we have made up our minds that the order of the Court below cannot be supported, to enter into our reasons for arriving at one conclusion or the other with regard to the propriety of a new tiral. I, therefore, merely remark that I do not feel at all satisfied that the interests of justice would be served by an order directing any of these persons to be re-tried on the charges on which they have already been convicted. It follows that in setting aside the order of the Court below we must record a formal order of acquittal· I would, therefore, set aside the conviction and the sentences passed in this case, acquit all the applicants of the offences charged and direct that the fines, if paid, be refunded.

Walsh, J.—I entirely agree· I only want to add that we are deciding nothing with a view to discouraging prosecution of persons who keep and use common gaming houses where members of the public may resort· Persons who keep and use such houses for their personal gain are liable to heavy fines, and if the Magistrate had really thought in this case that that was what Jai Narain was doing, the fine of Rs. 20 which he has inficted is absolutely unintelligible. And members of the public who resort to such places similarly render themselves liable tc punishment by the Criminal Courts. I would merely add that it would appear that there is at any rate a certain amount of this sort of thing in Cawnpore and that in my judgment the Police Authorities would be better advised to devote their energies to watching and collecting evidence against real gaming houses instead of making sporadic raids, at the time of the year when numbers of people may be reasonably expected to be engaged in gambling, upon persons in the town with regard to whom they have made no serious effort to collect any incriminating evidence.

THE WORLD-RENOWNED.

TALISMAN

OR THE GREAT

SARASVATI KAVACHA.

We shall quote only one "Sloka" from the holy Shastras which declare in glowing terms the immeasureable, wonderful and magic effects of the great HINDU TALISMAN.

"Sarvagraha Parasmani Nishesa Bisanashini, Jaya Sarbatra Kurute Dhanda Sumatiprada."

It destroys all dangers and difficulties, eradicates all sorts of poisons, and bestows victory at all times. It is the great giver of wealth and good graces.

This Talisman is therefore incomparable. It has no equal in the world. Its wonderful effects cannot be adequately described in words. Use one and you will learn what it is.

By its use (by its use means simply wearing it round the neck, waist and arms) one will be free from all diseases, all will be blessed with success in every thing and in every act. It increases the beauty, lustre, glow and charmingness of the body hundredfold both of men and women, boys and girls. It bestows perpetual youth endowing all with immense health and vigor. It prevents untimely death and early decrepitude. It is the greatest charm against all spirits ghosts, constellation, etc. It is the sole bestower of all success and victory. A man is sure to get rich within the shortest possible time whether he is engaged in service, commerce trade, arts, etc., if he prefers to wear one of the wonderful Talismans. It is sure to make him happy and blessed by surrounding him with a merry group of healthy children and beautiful and faithful wife.

It prevents all poisons weather due to infectious disease, bad water and atmosphere or any other causes from entering into the body. If any poison by some means or other enters into the body—by its use it will soon be driven out with excreta and urine, Therefore during all epidemics of plague, cholera or small-pox it is the PROTECTOR. In malarious places, if this great Talisman is used, one is sure to be free from any ilness whatever. In short by the use of this wonderful Kavacha one will always be blesssed with sound and perfect health, long and happy life. Therefore all men and women, boys and girls both young and old, should not lose a day but at once use this great Talisman. As lightning conductor saves all buildings, churches, temples and big palaces from the thunder, so does this Kavacha save a man or a woman from all evil effects due to disease or other circumstances.

FOR WOMEN.

This great Talisman is the "greatest blessing." If it is worn with two small pieces of "Provala" (red coral, Price Re. 1 per pair) women are sure to be very lucky.

It is at the same time cheap. But it is not really very cheap if only one is to be prepared. It is to be brought from a place hundreds of miles away, its preparation and making costs much money but as we have secured a very large number we can afford to distribute them each at a nominal cost namely :—One Rupee and Four Annas only.

P. T. O.

SPECIAL BOON FOR WHOLESALE BUYERS.

Purchasers of 3 at a time will get one Talisman free, 6 at a time two Talismans free. Packing and Postage free.

SPECIAL NOTICE—We have quoted a Sanskrit sloka at the top of this advertisement. It is not composed by us but quoted from the Holy Shastras. If any one can prove that this sloka is not quoted from the holy "Sastras" but is a bogus verse, we are prepared to pay at once *Rupees five hundredas a reward*

TESTIMONIALS.

701.—I. Narasingha Rao Esq., 7-10 Sankarpur, Bangalore City writes.—I am glad to inform you that I am finding myself in a better condition soon after wearing the Talisman sent by you.

802.—John R Paul Esq., Commission Agent, 1-23 Jones Street, Madras, writes.—I am glad to inform you that I found your Talisman to be really effective on account of which I am much improved now.

C. Ranga Nathan Esq, son of C. Venugopaul Row Naidu, Agent, Burmah Oil Co, Vizianagram, writes.—I thank you for the Talisman you sent me and I certify that I observe that there could be much use by it because it gave me much benefit.

Mr. V. Ramanatha Iyer, Mimisal P.O. Tanjore, writes :—All my sickness is subsiding gradualty after using the Talisman. I am thankful to you and always praying to your Goddess. Send me 3 more.

A. V. Varadaraja Moodaliar Esq., No. 19, Arasamaram Perumal Kovil Street, Vellore, (N. Arcot Dist.), writss—Your Talisman did me good during last year. Kindly send me one more.

S. Vinayakam Pillay Esq, Station Master, (M. & S. M. Ry.) Avady (Madras Presidency), writes.—Your Talisman given by a friend of mine, has improved my health and its effects are marvellous. Please send 3 more by V. P. P., also one pair of red corals. I request you to publish my letter so that my brother employees may also get the benefit of the Kavacha.

2064—N. Subbiah, Esq., Ramachandrapuram, Udumalpet P. O., Coimbatore Dist., (Madras Presidency), writes.—Some three months back, I got four Kavachas to my three daughters who were suffering from high fever for more than a month. The power of the fever began to decrease from the next day of the wearing itself. In 4 or 5 days after the wearing they became all right. So I am not able to describe the wonderful effect of your Kavachas. I thank you heartily for supplying such Kavachas. Please send me three more Kavachas by V. P. P.

2496—P. Srinivasa Mudaliar Esq., Sub-Inspector of Police, Perundurai, (Madras Presidency) writes—I am now at Kollegal—having been transferred from Perundurai. I am wearing your Tailsman and it is doing good things for me.

* V. K. Swami Esq., B.A., B.L., No 2, Papanna Street, Bangalore City, writes—I am glad to inform you that I have been keeping good health since wearing your Talisman and that I have passed the B.L. Degree Exam., this year. I shall be happy to inform my friends of the efficacy of your Talisman and induce them to give it a trial.

G. D. Joshi & Co., 1430, Peepal Mahadev, Delhi.

By the Court:—We, therefore, allow the applications, set aside the conviction and sentences passed against the applicants, acquit them of the offences charged and direct that the fines, if paid, be refunded.

Applications allowed.

(S. C. 50. Ind. Cas. 151.)

MADRAS HIGH COURT.

Criminal Revision No. 270 of 1917.

Criminal Revision Case No. 216 of 1917.

November 15, 1917.

Present:—Mr. Justice Kumaraswami Sastri.

PENUMETSA THIRUMALRAJU

and others—Accused—Petitioners.

versus.

EMPEROR—Respondent.

[The right of private defence against an act of trespass on one's property is not lost by reason of the omission to send word to a Police Station which is at some distance from the place of occurence.]

Petition under sections 435 and 436 of the Code of Criminal Procedure, praying the High Court to revise the judgment of the Court of Session, Kistna Division, in Criminal Appeal No. 57 of 1916, preferred against that of the Sub-Divisional Magistrate, Bhimavaram, in Calendar Case No. 6 of 1916.

Mr. *G. Venkataramiah*, for the Petitioners.

Mr. *C. Narasimhachariar*, for the Public Prosecutor, for the Crown.

ORDER.—The evidence shows that the Bodi was irrigating the lands of 1st accused and that at least from 1901 the lands of the opposite party were not irrigated by it. The Sessions Judge finds that the spout was only capable of irrigating two acres, which is the extent of field No. 418 belonging to 1st accused. The Deputy Magistrate in the counter-case finds that the Kapus went to the field of the accused in the present case with a spear and sticks to enforce their right and repair the Bodi and ready to repel by force any obstruction to their interfering with the Bodi.

I have little doubt that the accused had the right to prevent the Kapus from entering upon their fields and interfering with the Bodi on it. It is difficult to see how they lost the right of private defence because they did not send word to the Police Station six miles off. By the time a person could have gone there and returned with Police help, the Kapus would have trespassed on the land of the 1st accused and gained all they could. The 1st accused and those on the land were justified in getting help and resisting the trespass attempted by the Kapus.

The only questions is whether the accused or any of them exceeded their right of private defence. In this connection, I may point out that persons exercising their right are not members of an unlawful assembly by repelling attacks made on them or by exceeding the right of private defence. See *Kunja Bhauniya* v. *Emperor* (1). If any person exceeds his right of private defence he will be individually liable for any injury caused.

So far as the uccused Nos. 1 to 3 are concerned, the Deputy Magistrate finds that they did not cause hurt to anybody and the Sessions Judge did not differ from him. They were clearly within their right in resisting the attempt of the Kapus to trespass on their land and, as they have not exceeded their right of private defence, it is difficult to see how they can be convicted of any offence. The learned Public Prosecutor is unable to support the conviction so far as they are concerned. As regards the other accused, there is the finding that they exceeded the right of private defence. It would have been more satisfactory if the Sessions Judge had discussed the evidence as against each accused, as he was bound to do *In re: Ramasamy Naidu* (2), but I think no useful purpose will be served by sending the case back.

I set sside the conviction and sentence against accused Nos. 1 to 3 and confirm the conviction as against the other accused. The security bond executed by accused Nos. 1 to 3 will be cancelled.

Conviction against accused

Nos. 1 to 3 set aside.

(1) 15 Ind, Cas. 481 ; 39 C. 896 ; 16 C. W. N. 1053 ; 13 Cr, L. J. 481.

(2) 31 Ind. Cas. 825 ; 16 Cr. L. J. 809.

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INSTITUTE OF CRIMINOLOGY,

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To All Members of the Association.

1. MR. A. ALAGIRINADHAM PILLAI, has been elected Treasurer of both the Association and the Journal, and has been empowered to sign and receive all amounts meant for these two bodies.

2. Officers who have received copies of the Memorial to the I. G. of Police and our Circulars, are requested to remit *at a very early date*, their contribution towards the Calcutta Deputation &c.

Vellore,
5—12—1921.

C. SIVAPRAKASAM,
Secretary.

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MADRAS POLICE SUB-INSPECTORS' CENTRAL ASSOCIATION,

Vellore. 18-1-22 192

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I. V. RANGA RAO,
Joint Secretaries.

K. RAMANUJAN, Editor and Publisher, THE POLICE MAGAZINE.

Victoria Press, Vellore.

Proprietor
Victoria Press

Dear Sir,

Herewith sending matter for Law branch (printed pages 369 – 384) for Dec. No. Kindly take up compose today.

Yours truly
K Ramanuj

18-1-22